Report: OAKALLA ESCAPE

Royal Commission

September 29, 1988

Province of British Columbia

OFFICE OF THE COMMISSIONER
THE HONOURABLE JUDGE I. L. DROST

Royal Commission on the Escape from L.M.R.C.C.

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September 29, 1988.

The Honourable S. D. Smith,
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Dear Sir:

The Royal Commission of Inquiry into the escape of prisoners from the Lower Mainland Regional Correction Centre on January 1, 1988, established under Order-in-Council No. 1 dated January 6, 1988, has the honour to submit its report.

Respectfully yours,

Ian Drost

The Honourable Judge
Ian L. Drost,
Commissioner.

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OAKALLA COMMISSION REPORT

PART I

INTRODUCTION

By Order in Council passed the 6th day of January, 1988 pursuant to the Inquiry Act, R.S.B.C. ch. 198, I was appointed sole commissioner to inquire into and report on all matters and circumstances leading up to and associated with the escape of 13 prisoners from the Lower Mainland Regional Correctional Centre ("Oakalla") on January 1, 1988. In particular, the Commission was directed to inquire into and report on:

(a) the cause of and reason for the escape, including the events leading up to it, the preparations and plans made by the escapees, weapons and implements used and assistance, if any, provided to them by fellow inmates and others;

(b) the effectiveness of the facilities at Oakalla for the containment of prisoners, including the condition of locks, barriers and structures, and whether these are adequate for the detention of the type of inmate housed at Oakalla;

(c) methods for setting shifts and systems for shifts at Oakalla, deployment of officers on shift with particular reference to deployments made at the time of the escape,

and whether those methods and systems are appropriate and sufficient;

(d) security and reporting procedures employed by officers on duty at Oakalla, whether those procedures were properly complied with at the time of the escape and, in any event, whether they are adequate; and

(e) any matter, which in the opinion of the Commission is relevant to or associated with the containment of prisoners at Oakalla, including occurrences of other breaches of containment and the methods which, in its opinion, should be adopted to stop escapes from Oakalla in the future.

The Commission was authorized to inquire into and investigate these matters in such manner and at such places and times as it considered expedient and to direct that hearings, or parts of hearings be held in camera.

On January 12, 1988 I was sworn in as Commissioner and at about the same time Leonard T. Doust, Q.C. was appointed as counsel to the Commission.

Bearing in mind the considerable publicity given to this matter and the fact that serious accusations had been made by one of the escaped prisoners during the course of a television interview conducted while he was still at large, I concluded that the Inquiry should be held in open forum and that it would be appropriate to hear testimony from as many of the escaping prisoners as possible together with any other inmates who felt they had relevant testimony to give. As there would undoubtedly be conflicts in the testimony of various witnesses and determinations of credibility would be required, I decided that the investigative aspects of the Inquiry and the presentation of evidence would be left in the hands of commission counsel so that the Commission might hear the witnesses unaffected by any previous exposure to their testimony.

Soon after the Commission was established, John Hall, Q.C., was appointed to act as counsel for the Corrections Branch, Ministry of the Attorney General and Marguerite Jackson was appointed counsel for the British Columbia Government Employees' Union - Corrections Component. Anticipating the need for counsel to interview and represent those inmates or former inmates of Oakalla who had not participated in the escape but wished to testify before the Commission, Mr. Doust made representations to the Legal Services Society which in turn appointed John W. Conroy to act as counsel for such inmates. In due course Mr. Hall,

Ms. Jackson and Mr. Conroy were given status as counsel for the major participants in the Inquiry.

As it transpired, prior to and during the course of the Inquiry, all of the inmates who had escaped on January 1, 1988 were recaptured. Each of them was brought before the Inquiry and all but two of them agreed to testify. The Commission did not consider it appropriate to take any action against those two and they were excused.

Since many of the proposed witnesses were inmates of Oakalla or some other correctional institution, it was decided to hold the Commission hearings in the New Westminster Court House, where appropriate security arrangements could be made. There, with the kind co-operation of The Honourable Judge William S. Selbie, Administrative Judge and Mr. Roy Pettit, Deputy Regional Director, the Commission was provided with the use of a courtroom, together with office space for the Commissioner and counsel.

Prior to the commencement of hearings, together with Mr. Doust and his assisting counsel, Messrs. James W. Williams and Bronson Toy, I visited the Lower Mainland Regional Correctional Centre in order to view, in particular, the South Wing of the main building, Westgate "A" and the Old Segregation Unit, in which the events under consideration occurred. We also visited the

Vancouver Island Regional Correctional Centre and the Vancouver Pretrial Services Centre (both recently built to "state of the art" standards) so that I might compare the physical aspects of those facilities, particularly the cell areas (or "living units" as they are now called) in which the inmates were housed, with the facilities at Oakalla. These visits were helpful and I am obliged to those at the Vancouver Island Regional Corrections Centre and the Vancouver Pretrial Services Centre who arranged for and guided our tours.

At the outset of the hearings, I heard applications on behalf of several television and radio stations for permission to televise and broadcast the hearings. After hearing their submissions I denied the application for television coverage but permitted radio broadcast of the proceedings, subject to any specific bans that might from time to time be made. My reasons for doing so were fully explained at the time, but in essence, television coverage was denied because of a concern for the safety of individuals and the identification of persons said to be involved in these events. The same constraints did not apply to radio broadcast of the proceedings.

When I was first asked to accept this appointment, I was advised that the Inquiry would likely last some six or eight weeks. I soon realized that the estimate was overly optimistic.

Hearings began on January 29, 1988 and continued, with few interruptions, until May 27, 1988. During that period, a total of 54 witnesses testified and some 67 documents, photographs and other items were entered as exhibits. On June 28, 1988 I received final submissions from Mr. Conroy, Ms. Jackson and Mr. Hall.

In addition to sworn testimony, I received written and oral submissions from Ms. Claire Culhane and a written submission from the John Howard Society. I wish to thank them for their participation.

I also wish to thank the counsel who appeared before the Commission, particularly Ms. Jackson, Mr. Hall and Mr. Conroy. Not only did they serve the interests of their clients, they also acted at all times in the best interests of the Inquiry by ensuring that all relevant information was brought before it. I am grateful for their co-operation.

The Commission was indeed fortunate in having the assistance of Mrs. Winifred Franklin, who capably carried out the duties of Clerk and Secretary to the Commission and in having as its legal counsel Leonard T. Doust, Q.C., who was ably assisted by Messrs. William B. Smart, James W. Williams and Bronson Toy. In addition to their role as counsel during the course of the Inquiry, they undertook investigative duties and assisted me in a

consultative capacity. For all they have done, I am deeply grateful.

Appended to this report are several lists showing the days of sitting, the names of all witnesses and counsel who appeared before the Commission and all exhibits that were filed during the hearing.

PART II

BACKGROUND

Oakalla is a maximum security prison situate in Burnaby, British Columbia. It consists of three principal buildings.

The main building, which was completed in 1912, has three separate wings emanating from a central control and administration area. Each of those wings contains several levels or tiers of cells stacked, as it were, one above the other. The East Wing is used primarily for the accommodation of sentenced inmates, the West Wing is currently used only to accommodate inmates serving intermittent sentences and the South Wing primarily accommodates remand inmates and those who, having been sentenced to federal terms of imprisonment, are being held in Oakalla during their thirty day appeal period.

The Westgate Building contains Westgate "A", the segregation unit for Oakalla, which houses inmates serving up to 15 days' segregation as a disciplinary matter as well as men held in protective custody, and Westgate "B", which is the program unit of the centre. It contains work and training areas and, in separate tiers, accommodation for inmates who do not need to be held in the maximum security part of the institution.

The third principal building is the Health Care Centre,

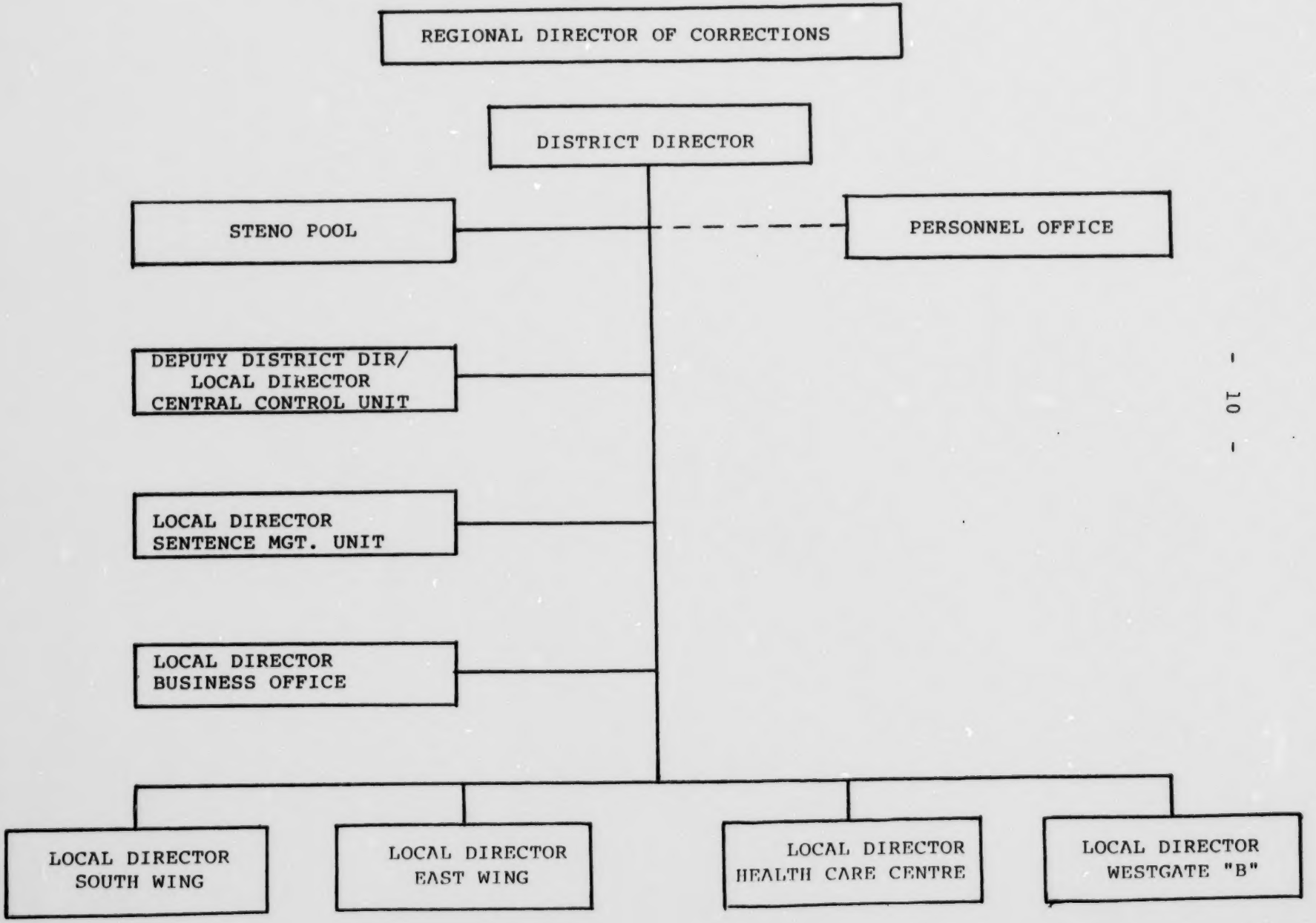
which serves the Vancouver and Fraser regions and also accommodates inmates who require special protective custody.

The Commission was told that, on the average, the total number of inmates housed in all provincial institutions is 1,848; 310 on remand and 1,538 serving sentences. Approximately 55% of the total are held in secure institutions and some 42% of that number are housed at Oakalla.

The total number of inmates housed at Oakalla fluctuates between 365 and 510. The variation is largely due to an influx, on Friday evenings, of inmates serving intermittent sentences. They are usually released the following Sunday evening.

Situate upon the same grounds, not far removed from the main building, is the Lakeside Institution for Women which was the focus of an Inquiry conducted by Madame Justice Proudfoot in 1978. The entire area occupied by Oakalla and the Lakeside Institution is approximately 68 acres and is surrounded by a chain-link fence some eight feet high.

The management and staff structure at Oakalla is shown in the following organizational chart, which appears in the Lower Mainland Regional Correctional Centre District Procedures Manual.


REGIONAL DIRECTOR OF CORRECTIONS
DISTRICT DIRECTOR
STENO POOL
PERSONNEL OFFICE
DEPUTY DISTRICT DIR/
LOCAL DIRECTOR
CENTRAL CONTROL UNIT
LOCAL DIRECTOR
SENTENCE MGT. UNIT
LOCAL DIRECTOR
BUSINESS OFFICE
LOCAL DIRECTOR
SOUTH WING
LOCAL DIRECTOR
EAST WING
LOCAL DIRECTOR
HEALTH CARE CENTRE
LOCAL DIRECTOR
WESTGATE "B"

Those individuals holding the rank of Auxiliary Officer up to and including Senior Correctional Officer are members of the British Columbia Government Employees Union - Corrections Component. All others, from the Local Director level to the District Director, perform management functions and are excluded from union membership.

The District Director, Mr. Rene Gobillot, is responsible to the Fraser Regional Director, who in turn is responsible to the Commissioner of Corrections.

The South Wing, one of the units with which this inquiry is particularly concerned, consists of nine tiers - five on the right side of the building and four on the left - each containing nine cells, one of which is a shower stall. The rest are available for the housing of inmates. The uppermost tiers on each side of the wing are together operated as a separate observation unit for especially high risk inmates.

The Old Segregation Unit ("O.S.U.") is situate, below ground level, some 500 yards away from the main buildings. It occupies the ground upon which, when Oakalla was operated as a prison farm, the cow barns stood. Thus it is frequently referred to (but not in a nostalgic way) as "the old cow barns".

Diagrams of the South Wing and the O.S.U. are attached to this report as Appendices H and I respectively.

Oakalla has been the subject of previous inquiries. In 1950 a Commission of Inquiry was established under the chairmanship of Eric Pepler K.C., the then Deputy Attorney General of British Columbia. Its purpose was to investigate conditions at Oakalla and the other provincial jails then in operation. In 1972 a task force recognized the outmoded and inadequate nature of Oakalla and recommended that new units for sentenced inmates be built on the Oakalla grounds and remand facilities be built at other sites. It did not, however, recommend the closing of Oakalla.

During the past two decades, changes in the law have occurred which have had a significant effect upon the operation of Oakalla. While the enactment of the Bail Reform Act in 1972 reduced the size of the remand population, it resulted in a higher proportion of dangerous inmates who pose a threat to public safety and who are difficult to manage.

Over the years there have been many escapes from Oakalla and it is interesting to note that the January 1, 1988 escape was neither the last nor the largest. In November, 1947, fourteen inmates escaped at one time. The most recent escape occurred

on August 12, 1988. Considerable statistical information was given to the Commission concerning previous escapes and a summary of that information is attached as Appendix J.

There will always be some inmates who will attempt to escape from custody. Sometimes this will be the result of planning and preparation and on other occasions it will occur when the opportunity suddenly presents itself. Given the outmoded physical plant at Oakalla, the Commission does not presume to suggest that the recommendations it makes will eliminate the possibility of such escapes. It does feel, however, that the number of escapes may be significantly reduced.

PART III

EVENTS LEADING UP TO THE ESCAPE

A. Introductory Comments

This section of the Report contains an outline of the events which led up to the escape on January 1, 1988 under a series of subheadings. The narrative will reflect findings of fact distilled from the often confused and conflicting testimony. In some instances it is inappropriate, and in others impossible, to make any definite findings. This should not adversely affect the value of the report.

At several critical times, the perception of events, in the minds of the inmates on one hand and the staff on the other, was much more important than what had actually happened.

These events, as well as the escape itself, took place over the Christmas and New Year holiday season. Almost every witness, whether inmate, staff or management, agreed that this is a particularly tense time in any penal institution. No doubt both staff and inmates would prefer to be elsewhere. It is also a time when senior staff and management take holidays, thus leaving the operation of the Centre, to some extent, in the hands of less experienced officers.

B. Friday, December 25, 1987

This being Christmas Day, a church service was held in the prison chapel on the top floor of the main building. In accordance with standard procedure, inmates from different wings were kept separate from each other in order to reduce, if not eliminate, the possibility of contraband being passed from one to another.

At the end of the service, one of the South Wing prisoners, William Hoy, despite the efforts of the South Wing guards to prevent him from doing so, managed to reach over and shake hands with one of his friends from another wing. Both Hoy and his friend were searched but no contraband was found.

C. Saturday, December 26, 1987

During the evening there was a minor dispute regarding late night television privileges. In accordance with customary procedure, inmates housed on one of the South Wing tiers had put in a written request for late night television. The request had either been lost or not brought to the attention of the officers then on duty who, at the regular time, turned off the television sets. Television was restored after a brief disturbance, during which a small fire was set and put out by extinguisher. The request form was subsequently discovered.

D. Sunday, December 27, 1987

During the early hours of Sunday morning an inmate passed a note to one of the guards indicating that several South Wing prisoners planned to escape that night through a fire door leading from the one right (1R) tier and that the lock on that door had been cut through. Upon examination it was found that the lock had indeed been tampered with and so the inmates housed on that tier, who would otherwise have had access to the door, were kept locked in their cells.

Later that morning there began the series of events which led directly to the escape.

An unusually large number of South Wing inmates wished to attend the church service that day. One of them was David Dean, who is by all accounts a difficult and dangerous individual. He did not testify at this Inquiry. Another of them was William Hoy, who had been involved in the December 25th incident. One of the officers assigned to escort the South Wing inmates to the chapel was Security Officer Kitto.

Officer Kitto joined the staff of Oakalla in September 1981, and by December 1987 had worked in the South Wing for approximately one and one-half years. He is a dedicated and

conscientious officer who believes that rules and regulations ought to be enforced to the letter and he feels that he applies the rules and regulations more consistently than do some of his fellow officers. Not surprisingly, he was not well liked by many of the South Wing inmates.

At this time Officer Kitto was very concerned about the possibility of an escape attempt. He said that he was aware of a police report that a sum of money had been offered to anyone who would assist certain prisoners to escape from Oakalla. He named inmates Hoy, Dean and Richards as some of the individuals involved in this plan which, as he understood it, would lead to the escape of inmates White and McKay. All of these individuals were then housed in the South Wing.

Officer Kitto felt that there had been a buildup of weapons in the South Wing. According to him, the last "complete" search had occurred in November 1986.

Officer Kitto was also concerned about the staff situation in the South Wing. In December of 1987 he was assigned to the fourth tier. On his first day there he experienced difficulties with some inmates regarding cleaning procedures. He looked into the matter and found that during the previous month there had been a very high proportion of auxiliary officers

staffing that tier, some of whom, according to Kitto, had never worked in Oakalla before. In his view there had been a general relaxation of the enforcement of regulations as a result.

For these reasons, Officer Kitto was, in his words, "watching like a hawk" when he accompanied the South Wing inmates to the church service.

During the church service inmate Dean, either of his own volition or because he was ordered by Kitto to do so, left the chapel. Once outside, he was handcuffed by Kitto and directed down a flight of stairs to the landing area on the first floor of the main building. There a physical altercation occurred involving Dean, Kitto and other officers. These events are still being considered by Regional Crown Counsel and I do not consider it appopriate, nor is it necessary for the purposes of this report, to delve deeply into them or to make any findings of fact. Suffice it to say that, according to Kitto, after the handcuffs were removed, Dean attacked him. I also heard evidence to the effect that, according to Dean, after the handcuffs were removed, Kitto attacked <u>him</u>. During the altercation both Kitto and Dean were injured.

Then inmate Hoy, who had also left the church service, came on the scene. He saw Dean, handcuffed and bleeding and

concluded that he had been assaulted by one or more of the guards. Hoy ran towards the tiers of cells shouting out that Dean had been beaten by the guards while he was handcuffed. Hoy was then apprehended and locked into an empty cell on the 1R tier.

Hoy's shouts were heard by inmates throughout the South Wing. The reaction, particularly from those on 1R tier where Dean's cell was located and 2R tier where Hoy was housed, was violent. Several of them, admist a great deal of noise, broke toilets, sinks and furniture in their cells and started a number of small fires.

This is the first of several occasions when the inmates' perception of what was happening or had happened had significant consequences. I found it interesting that several of them, including Hoy himself, even after learning that Dean does not claim to have been assaulted while wearing handcuffs, continue to insist that he was. Obviously, that is what they want to believe.

Soon after the disturbance began, telephone calls were placed to District Director Gobillot and to Senior Correctional Officer (S.C.O.) Craig who was the ranking officer on the South Wing staff because the South Wing Local Director was away on holidays.

While awaiting the arrival of District Director Gobillot and S.C.O. Craig, Principal Officer Sahota, the South Wing shift supervisor, learned that inmate Bruce Jones wished to speak to him. Sahota arranged to have Jones released from his tier and brought to his office. Jones, apparently acting as a spokesman for the other inmates, delivered certain demands. Sahota told Jones to put these demands in writing and, after giving him paper and pen, sent him back to his tier.

Correctional Officer Kassian, who was the acting Principal Officer in the East Wing at the time and had come to the South Wing at the outset of the disturbance, testified that when he was on the landing outside 2R tier, before Craig arrived, he saw two inmates holding knives. He said that he saw inmate Hicik passing what he described as a hunting or buck knife to another inmate whom he later identified as inmate Loveridge. The other weapon, a long machete-like blade, was held by a prisoner who Kassian was never able to identify. Kassian apparently told many of the staff about the weapons he had seen.

Another officer, Auxiliary Security Officer Isaksson, who had been sent up from Westgate B when the South Wing disturbance broke out, said that he saw a knife being shown by one inmate to another on 2R tier. He could not identify either inmate. He said that he told two other officers on the landing,

but it was not until later that evening or the next day, on the suggestion of a fellow officer, that he reported this matter to his principal officer.

According to regulations, written reports must be filed whenever weapons are sighted. Isaksson did not file a report until the following day and Kassian never did.

When S.C.O. Craig arrived in the unit Jones was brought back down with his list of demands. While Craig was talking to Jones, District Director Gobillot arrived.

Gobillot and Craig were then told that the inmates did not want Jones as their spokesman. Instead they wanted inmate Dzvonik to represent them. Gobillot and Craig met with Dzvonik and, at his request, called in inmate Dean. After repeating his accusation against Officer Kitto, Dean was told that the matter would be investigated by the R.C.M.P.

Gobillot, Craig and Dzvonik then negotiated a settlement of the disturbance. While there is some disagreement between them as to the exact terms of that settlement, it is generally agreed that:

(a) Kitto and the other officer involved in the altercation would be kept out of the unit temporarily;

(b) the inmates on tier 1R would be released from their cells;

(c) the mess created on the tiers would be cleaned up by the inmates; and

(d) inmate Dean would be returned to the unit while the R.C.M.P. investigated his charges against Officer Kitto.

It was also agreed that, after the cleanup had been completed, there would be a general search of the South Wing. It was to be conducted after lunch, while the inmates were outside at "yard" - a term used to describe a period when the inmates are permitted to be off the tiers for recreational purposes. All the cells could be searched during this period and the prisoners frisked while going to and from "yard".

There was conflicting testimony as to whether it had been agreed that no charges would be laid against any of the inmates in connection with the disturbance. It is not necessary that I make a finding of fact in this regard for, it is clear that Dzvonik, when informing the other South Wing inmates about the

terms of settlement, told them that there would be no reprisals or charges. In fact, no charges were ever laid with respect to the disturbance on December 27, 1988.

Following their meeting with Dzvonik, Gobillot and Craig made a tour of the South Wing, after which Gobillot returned to his home, leaving matters in Craig's hands. Craig instructed Sahota that at 1:00 p.m., after they had completed their lunch, the inmates were to be taken outside for "yard" and that during their absence he was to conduct a thorough search of their cells. Craig then left the South Wing and went to the Central Control area where he conferred with Kitto and an R.C.M.P. officer who had arrived for the purpose of investigating the Kitto-Dean incident.

At approximately 2:30 p.m. Craig returned to the South Wing and found, to his chagrin, that the search had not taken place. Sahota explained that because two members of his shift had been required to escort certain inmates to the Health Care Centre, he did not have sufficient manpower to conduct the search. He had called on other units but was unable to obtain assistance and had also tried, unsuccessfully, to find Craig to let him know about his problem.

Sahota (who has since retired) was an experienced officer. He had served for 19 years at Oakalla, the last three in

the South Wing and should have realized the importance of conducting a thorough search without delay. Having received a direct order from Craig as to when and how the search was to be conducted, he should have made certain that Craig learned that the search could not be conducted as he had ordered. Had Craig been notified, I am certain that he would have rounded up sufficient staff for that purpose.

By the time Craig returned to the South Wing and learned that the search had not been conducted, the inmates had returned to their tiers. The staff working the afternoon shift (which begins at 3 p.m. and continues until 11 p.m.) were just coming on duty and Craig instructed them to carry out the search. There was some argument from these officers about this. They apparently felt that, because of the time that had elapsed and as it would not be a full lock-down search, there was not much point in it. While Craig agreed with this view, he nonetheless ordered that the search proceed so as to display staff authority over the inmates.

The search was conducted in two installments - between 3 p.m. and 4 p.m. and then from 6 p.m. until it was completed. It was interrupted between 4 p.m. and 6 p.m. while the inmates, in accordance with their normal program, received their dinner. Craig stayed in the South Wing until about 6:30 p.m. and then went home.

No weapons were reported at the time. Sahota, who had stayed on to assist in the search, testified however that he found a razor blade in one of the cells on 4L tier. Blades are easily fashioned into weapons so inmates are not allowed to keep them in their cells. I was astonished to hear Sahota say that he simply destroyed the blade without reporting it.

During the course of the search, two noteworthy incidents occurred. The first involves Correctional Officer Reilly who, upon his arrival in the South Wing at the commencement of the afternoon shift had learned about the Dean-Kitto altercation. Reilly said that he was told that an agreement had been negotiated whereby Kitto was removed from the unit while Dean was allowed to remain, the inmates cleared up the mess created during the disturbance, but no lock-down search or disciplinary action was taken. He said that he heard numerous references to weapons having been sighted, particularly the buck-knife. Shortly after 3:00 p.m., when Craig told the afternoon shift that they were to conduct a search but that it would not be a lock-down search, Reilly expressed his concern. It seems that he was quite upset about this and felt that the inmates had put one over on the staff, a view likely shared by several other officers on that shift.

Shortly after 6 p.m., while participating in the search,

Officer Reilly saw inmate McKay drop an envelope from 4R tier, apparently intended for inmate Dean on 1R tier. Reilly intercepted the envelope and found it to contain some pills. He said Dean became very angry and threatened him. He told his shift supervisor, but decided that, because the unit was so volatile, he would not charge McKay or Dean with having contraband. He explained this by saying that to have proceeded with a charge "would have been an insult to them" since he had recovered the drugs. I found that a peculiar comment.

Officer Reilly did, however, prepare a charge sheet regarding the threats that Dean had made. He left it on Craig's desk with a note asking him to decide whether or not to proceed. Reilly admitted that he was not anxious to serve Dean with the charge sheet that night, as regulations required.

The other incident involved inmate Terry Hall who had been allowed to remain outside his cell while it was searched. According to the officer conducting that search, Hall was in a very agitated state and was uttering threats. He apparently lost his temper and punched his cell door breaking his left hand. He was later taken to the Health Care Centre where a cast was applied. He was wearing that cast when he was interviewed, while still at large, by a local television reporter.

The search was completed by 8 p.m. that evening without further incident.

It is apparent that the search conducted on December 27 was inadequate. Too much time had elapsed since the disturbance and the inmates had been forewarned that a search was to be conducted. They were not kept locked in their cells and any weapons in the wing could have been hidden. Nonetheless, Craig maintained that it was important to show the inmates that after a disturbance, the normal practice of conducting a search would be carried out. The Commission agrees with that conclusion.

E. Monday, December 28, 1987

The balance of the previous day's afternoon shift, the midnight shift which ran from 11 p.m. December 27 to 7 a.m. December 28 and the day shift from 7 a.m. to 3 p.m. ran quietly. When the afternoon shift (largely the same officers who had served on that shift the previous day) came on duty, however, things seemed to be different. Officer Reilly and others described the mood of the unit as extremely tense and volatile. Inmate Dean had by that time been served with notice of the charge Reilly had prepared the night before and Reilly said that certain inmates verbally abused and threatened him as a result. Officer Thiessen also found the mood very tense. He said that inmates were

shouting threats such as - "Tonight's the night", "You're going to see blood" and "We're going to break this place up".

Officers Reilly and Thiessen as well as others on the shift, became very concerned about what was frequently referred to as the "safety of the staff and security of the unit". Reilly contacted Correctional Officer Buss, who was the union shop steward and its health and safety representative. Buss, who was working the afternoon shift at Westgate B, went over to the South Wing and met with the staff. They told him about the inadequacy of the previous day's search, the drug intercept and the fact that weapons had been seen but not found. They also told him that threats had been made and they believed that their lives were in danger.

Buss then telephoned Acting Deputy Director Krahnbel, who was the senior officer on duty. He told Krahnbel about the South Wing situation and requested a meeting with District Director Gobillot or Deputy District Director Stevens. Krahnbel said that he would try to reach them and would call back. A few minutes later, Buss was instructed to report to Krahnbel's office where, instead of Gobillot or Stevens, he found Craig.

It seems that Krahnbel had phoned both Gobillot and Craig at their homes. Craig immediately reported to Oakalla;

Gobillot did not. After speaking to him on the telephone and discussing the problems raised by the South Wing staff, Gobillot decided to leave the matter in Craig's hands.

All of this was occurring at approximately 4:30 p.m., at which time the inmates were locked down for their regular supper. Normally they would have been released onto their tiers at 6 p.m.

At this time, both Craig and Buss were skeptical about the safety issue. They agreed that Buss would return to the South Wing to meet again with the staff and that, in the meantime, Craig would make a tour of the wing to ascertain for himself the state of the unit.

During Buss's second meeting with the staff they discussed holding another search, or alternatively, leaving the inmates locked in their cells. Recognizing the possibility that another search might precipitate a disturbance, they decided to talk the matter over with Craig. When Craig joined the meeting, the staff repeated their concerns and, while he denied that an ultimatum was given to him, he did acknowledge that he had considered the possibility that the staff might refuse to go on the tiers.

During his tour of the unit, Craig had noted

considerable tension and was aware that a further search would likely precipitate another disturbance. Notwithstanding his concern and doubt as to the value of another search, Craig decided that there would be one.

Even though he was throughout this period acting as the Local Director of the South Wing, Craig had not been officially appointed to that position. Thus, he remained a member of the union bargaining unit. During the course of the Inquiry and in subsequent submissions, there was a suggestion that he was in a "conflict of interest" position when he made the decision to conduct a further search. In a sense that may be true, but I am satisfied that his judgment was not at all influenced by pressure from his union brothers.

S.C.O. Craig is a first-class officer. He is experienced, intelligent and decisive. He displays good leadership qualities and impressed me as having a good working relationship with his staff and with the inmates under his charge. However, it was a mistake on his part to have made that decision without involving a superior officer, either Deputy Director Krahnbel, who was on duty and aware of the situation or District Director Gobillot who was on call.

It was just after 6 p.m. when the decision to conduct

another search was made. Some of the inmates were, by then, banging their cell doors and shouting out to be released. Craig went to some of the tiers to tell the inmates that there was going to be another search. He hoped that he would be able to defuse the situation but the news was greeted by increased shouting and banging.

F. The Search

Craig deployed two search teams, one to start on the top tier, left side and the other on the bottom tier, right side. He went with the team to 4L tier where the search began. There, the second inmate to be searched was Dzvonik, who had been involved in the previous day's negotiations. Dzvonik testified (and I see no reason to doubt this), that he regarded this search as a deliberate breach of the agreement he had negotiated the previous day with Gobillot and Craig. He said he felt betrayed. When he reached the landing area, where the inmates were to be held and strip searched while their cells were being searched, he vented his frustration by throwing a garbage can against the wall. One of the staff was in the line of fire and, although he was not hit, apparently felt that he was the target. There was then a good deal of shouting and a scuffle while Dzvonik was subdued. These noises were heard throughout a good part of the South Wing and again, perception comes into play. Inmates began shouting out

that Dzvonik was being beaten by the guards and, as he had been their negotiator the day before, this had an explosive effect.

By this time, Craig had gone down to 1R tier where, at almost the same time as the Dzvonik incident was occurring, two officers were searching the cell in which inmate Sidon had been placed, following the previous day's disturbance. They found two brass rods in a mattress, one of which had been sharpened to a point. When Sidon was returned to the cell, after having been searched on the landing, he was told he was going to be charged with possession of contraband. At that point, someone on the right side, either Sidon or inmate Mason, who was housed on 2R tier, directly above Sidon, began to shout that the guards had "planted" some "shanks" in Sidon's cell. At this point, in the words of one officer, "everything broke loose" and the search was abandoned.

G. The Riot

No useful purpose will be served by embarking upon a detailed review of the conflicting and often confusing testimony I heard regarding the full-scale riot that then occurred. Toilets, sinks and furniture in most of the South Wing cells were smashed. Fires were set. These were put out by hoses and eventually most of the cells and the inmates were thoroughly hosed down for the

purpose of quenching not only the fires, but the inmates themselves. Generally, however, those who were not actively engaged in destroying their cells were not deliberately hosed down.

At some stage, the windows were opened and the heaters in the building turned off. Craig testified that he gave the order to do this because he was concerned about the amount of smoke inside the building and the possibility that the electric heaters would short out because of the amount of water that was around. Craig also acknowledged that it did not occur to him to close the windows and put the heaters on again after the disturbance ended. As a result, most of the inmates in the wing spent the remainder of the night in a wet and cold state.

I could go on to catalogue in considerable detail the accusations made against each other by the inmates and the guards, some of which may well be true, but it is virtually impossible to separate fact from fiction. I am satisfied, however, that none of the guards who were involved in quelling the disturbance intended to injure any of the inmates, nor did they, as several inmates testified, take pleasure in the proceedings. Having visited the South Wing myself and heard testimony from so many people who were involved in that riot, I can appreciate that, as officers testified, it was "utter bedlam" and "quite terrifying" and not in any way a pleasurable experience.

At approximately 6:30 p.m. District Director Gobillot received a telephone call from Krahnbel informing him that a riot had broken out in the South Wing. After ascertaining that no one had been hurt and that all of the inmates were locked in their cells, Gobillot asked Krahnbel whether he should come in to the prison. Upon being told that it was not necessary that he do so, Gobillot, for the second time, chose not to play an active role in these events. In fact, he did not attend at Oakalla at any time during the evening of December 28, 1987. He acknowledges that this was a mistake, which it most certainly was. No doubt he would have come if Craig had asked him to. Craig did not. I suspect he was too busy coping with the crisis.

In light of the previous day's disturbance and knowing that the Local Director was away on holidays and that full responsibility was resting on the shoulders of a Senior Correctional Officer, there is no excuse whatsoever for District Director Gobillot's failure to immediately attend at the prison in order to observe and, if necessary, to take control of the situation. This was a full-scale riot which could easily have spread to other parts of the institution and I cannot think of a time when it could have been more important that - to put it in naval parlance - the captain be on the bridge. It is not enough for the man at the top of the organizational chart to simply state that he accepts responsibility for all that occurs. On such

critical occasions, he must actively exercise that responsibility.

By that same token, Acting Deputy Director Krahnbel, who had participated in the original meeting between Craig and Buss and was aware of the situation in the South Wing, failed to accept the responsibility that his management position required.

There was also a small disturbance in the East Wing that evening. Inmates on two tiers refused to return to their cells at the 10 p.m. lock-up time. A tactical team was assembled and, after a show of force, the inmates were dispersed to their cells. Subsequently, nineteen of them were transferred to the Westgate A Segregation Unit, almost completely filling that facility.

H. Tuesday, December 29, 1987

The South Wing riot had ended about 9:30 p.m. and order had been restored to the East Wing by about 10 p.m. the previous evening. The balance of that night and the early morning of December 29 were reasonably calm although, as I mentioned earlier, most of the inmates were soaking wet and cold and the South Wing had been almost totally destroyed.

District Director Gobillot arrived at Oakalla at about 6 a.m. He reviewed such reports as were available to him at that

time and when Deputy District Director Stevens and S.C.O. Craig arrived, at approximately 7:30 a.m., met with them to discuss what should be done with the South Wing inmates. Gobillot concluded that while most of the inmates could be moved to the West Wing, which was vacant, the known troublemakers or ringleaders who had played a major part in the riot ought not to be, as they might start another smash-up there. Accordingly, he decided that the latter group should be temporarily housed in the O.S.U. In accordance with standing orders, he cleared this decision with the Acting Regional Director and the Deputy Commissioner.

S.C.O. Craig was then instructed to prepare a list of those inmates to be transferred to the O.S.U. Curiously, that list, which was later that morning delivered to the officer in charge of the extraction of South Wing inmates from their cells, was not found again. A copy of it was produced by that officer when he testified on May 26, 1988. There were fourteen names on the list.

I. The Cell Extraction Process

Once the decision had been made to extract all of the prisoners from the South Wing, sending the troublemakers to the O.S.U. and the balance to the West Wing, it fell to Deputy Director Stevens to prepare the O.S.U. for the reception of

inmates and to establish and direct the extraction process.

Before dealing with the extraction problem, Deputy Director Stevens instructed S.C.O. Bevans who was the acting Local Director of the Westgate A segregation unit, to prepare the O.S.U. and to manage it in accordance with Westgate A procedures.

Stevens then designated C.O. Baird and P.O. Connors as leader and second-in-command, respectively, of a tactical team to be formed for the purpose of extracting the inmates from their cells. He left it to Baird to select the other members of the team.

Baird, who had been on the staff at Oakalla for 13 years, and had received tactical team training from Deputy District Director Stevens, had himself served as a tactical team instructor. Connors, who was the armourer at Oakalla, was selected because he had been trained in the use of mace, a liquid chemical which acts as an extreme irritant and which is sprayed in the face of unmanageable persons to temporarily subdue their struggle. The general procedure prescribed by Stevens was for the team to go on to each tier and, in turn, remove each inmate from his cell, conduct a search of the inmate and his cell and then return him to the cell to await transfer to the West Wing or the O.S.U. As it transpired, after 4L and 4R tiers had been completed

in this fashion, apparently without incident, Stevens, Baird and the others realized that this procedure was taking too long. Craig's list then arrived and it was decided to proceed first with the extraction and removal of the troublesome inmates whose names were on that list and then, when all of them had been removed from the Wing, to deal with the remaining inmates.

Officers Buss and Daniels were designated as the two officers whose job it would be to enter each cell, followed by Connors, to search and, if necessary, subdue and handcuff the inmate. Connors was authorized to use the mace if Buss and Daniels had difficulty subduing an inmate.

While all of the members of the team had received tactical training, it appears on the evidence that none of them had any previous experience or training in forcibly removing a prisoner from his cell. I found no reference to any such procedure in the Emergency Tactical Team Manual contained in the Oakalla Policy and Procedures Manual.

Stevens decided that the team would use a "T" formation, that is, two officers bearing shields would lead the team to the front of each cell. They were to be followed, in single line, by Baird, Connors, Buss and Daniels. Upon their arrival in front of each cell, Connors was to tell the occupant that they were there

to take him out of his cell, that he could come out peacefully or, if he refused to do so, they were authorized to use force and if necessary a chemical agent. The inmate was then asked whether he understood what had been said and, when he acknowledged that he had, was told to face the back wall of his cell, put his hands over his head and against the wall and not to move.

After these instructions had been given, Buss, Daniels and Connors entered each cell. They were taking no chances and, considering the dark, wet and confined space they had to enter and the ready availability of porcelain shards and other weapons, they should not be faulted for taking this approach. At the first sign of resistance or aggressive behaviour, the inmate was "taken down" to the floor of his cell by means of one or more blows from the batons carried by Buss and Daniels, and then subdued and handcuffed. On two occasions Connors, seeing Buss and Daniels in difficulty, used the mace.

Not surprisingly, there were vast differences between the testimony given by many of the inmates and officers involved as to what transpired during the extraction process. Many inmates complained of having been hit or kicked by the guards in this process and several of them insisted that they had been poked or hit between the legs. While a few were injured during the extraction process, most of their claims were either fabricated or exaggerated.

On all of the evidence it seems that only some 12 inmates out of a total of 56 presented any problems. In seven or eight of those cases, batons were employed and in two of those mace was used. Looking at these events from this comfortable distance and with the benefit of hindsight, I have concluded that in some of those cases, excessive force was used. However, bearing in mind the conditions that then prevailed - the dark, noise and sense of danger - I do not feel that criticism of the individual officers is appropriate. Rather, my concern is with the process employed, about which I shall say more later.

A number of inmates identified an officer who had a number 9 on his helmet as the one who hit or kicked them. As that officer was the only member of the Tactical Team to bear any number or other identifying device, I am concerned that it was for this reason that he was singled out by the inmates. Thus the Commission is unable to determine the extent of his responsibility.

J. The Old Segregation Unit (O.S.U.)

The O.S.U. contains twenty-seven cells, eleven of which are known as "quiet cells", designed to house particularly noisy and troublesome inmates. It was officially phased out of service in July, 1975 and replaced by facilities in Westgate A. However, between July, 1975 and December, 1987 it had been used, on an emergency basis, on eight occasions, the last of which was in

April, 1985. Since then it had been used only as a place for training officers in the use of self-contained breathing apparatus. Accordingly, only minimal heat had been provided and on the morning of December 29, 1987 it was cold and a great deal of dirt and clutter had accumulated.

After receiving instructions from Stevens that he was to make the unit ready and to be responsible for its operation, Bevans took several officers to the O.S.U. where they turned on the heat and did a quick cleanup job before the first of the South Wing inmates began arriving at approximately 11:30 A.M.

Cells A7 to A11 inclusive and B6 to B10 inclusive are the "quiet cells". Each has two doors, the outer-most being a wooden door, with a small peep-hole through it, which locks from the outside. The inner doors on cells A7 through A11 are the usual sliding bar doors secured by means of a padlock. The inner doors on cells B6 through B10 are made of clear shatter-proof plexiglas and are secured by means of an unusual locking device. It consists of a handle projecting out from the door which, when lowered, releases a latch so that the door may be swung open. Forming part of the locking device is a sliding pin or bolt placed (under a guard shield) immediately above the handle. The pin, when pressed inward towards the door and properly seated in a tube-like receptacle prevents the handle from being lowered. This

must be done in order to fully secure the door. Four photographs of this locking device are attached as Appendix K.

There is no other locking device in Oakalla identical to this one. In the Westgate A segregation unit there is a similar locking device, but its pin is springloaded so that it will be automatically inserted or seated each time the door is closed and the handle returned to the upper position. As the O.S.U. was not in regular use as a segregation unit, few of the officers who worked there between December 29 and January 1 had prior experience with that locking device.

A total of twenty-two inmates were transferred to the O.S.U.: the fourteen whose names were on Craig's list together with a further eight who had been difficult or objectionable during the extraction process. Upon arrival they were given a pat-down search and put into a cell. Several of them were intially put into quiet cells but, apart from one inmate who was particularly objectionable, there was no particular reason for this. The others just happened to be placed in those cells as they arrived notwithstanding the fact that section 5.10 of the Oakalla Segregation Policy provides that quiet cells are for "... the segregation and control of inmates whose behavior disrupts the good order and normal routine of Segregation Unit". [my emphasis]

Subsequently seven of the inmates who had been brought to the O.S.U. were transferred to the Health Care Centre for examination and, where necessary, treatment. Six of those had injuries allegedly suffered during the cell extraction process and the seventh was treated for a self-inflicted wound.

As I mentioned earlier, Stevens had placed Bevans in charge of the O.S.U. and instructed him to run it as a segregation unit in accordance with prescribed segregation policy. That was done. However, when S.C.O. Bevans left on holiday at the end of the day shift on December 30, responsibility for the supervision of the O.S.U., as well as Westgate A, passed to another officer who was never apprised of the exact procedures in force in the O.S.U. From that time on the manner in which it was operated can only be described as confused and unsatisfactory.

Part of that confusion arose from the fact that District Director Gobillot, when he visited the unit early in the morning of December 30 approved the giving of tobacco products to the inmates, contrary to segregation policy. Officers Mandley and Langebach, who were then on duty in the unit, testified that Gobillot also told them to run the unit, so far as possible, as if it were a regular unit. Further confusion existed as to who had overall responsiblity for the operation of the unit. Certain officers thought that, because all of the inmates were from the

South Wing, it was Craig. In fact, at all times responsibility remained with Deputy District Director Stevens.

By far the most serious issue in connection with the operation of the unit relates to the outer wooden doors to the quiet cells. The Commission heard evidence that conditions in the quiet cell area were markedly worse than in the open cell area. It was colder and darker there and the inmates housed in the area complained about this. During the afternoon shift on December 30, Officers Manley and Langenbach decided, in light of District Director Gobillot's comments regarding tobacco products and the manner in which the unit was to be operated, to open and leave open the outer wooden doors to the quiet cells. They were not closed again.

Both Stevens and Craig visited the O.S.U. during the afternoon of December 31. Stevens had gone there to inspect the unit and to check up on its operation. He observed that it was in an untidy condition but maintains that he did not notice that the wooden doors were standing open. Craig, on the other hand, who was there at the same time, did clearly notice this fact. I find it difficult to understand how Stevens, who testified that it was his expectation that the wooden doors would be kept closed and locked, could have overlooked the fact that they were open at the time of his inspection.

Another serious breakdown in the security of the O.S.U. was with regard to the unusual locking device employed in cells B6 to B10. Insufficient attention was given to the special nature of this device and little, if any, instruction given to officers as they came on shift. Indeed, there is a strong indication that there was considerable laxity concerning locks generally. One prisoner's cell actually remained unlocked for several hours despite the requirement that all locks be checked every one-half hour. When that inmate testified, he said he was aware of the unlocked condition and was actually alarmed by it because he felt he was being "set up" by the guards. Whatever his reason, I am not surprised that he did not tell the guards, but the negligence of the staff on duty at that time is inexcusable.

It seems that senior management believed that the O.S.U. was a very secure unit simply because no one had ever escaped from it. In fact, it is in many ways the <u>least</u> secure unit at Oakalla. In all the other buildings in which inmates are housed, there are several "envelopes" of security. If an inmate escapes from his cell, he must still make his way through a number of other gates before reaching the outside. Each of those gates is locked and, providing proper procedures have been followed, he cannot obtain access to a key. In the case of the O.S.U., however, if a prisoner once gets out of his cell, he has only to get through one door before reaching the outside and <u>a key to that door was kept inside the unit</u>.

The only means of communication between the O.S.U. and Central Control in the main building was by telephone. The portable two-way radio was out of action and personal alarm transmitters were not issued to the officers who worked in that unit.

The two officers who came on duty in the O.S.U. at 11:00 P.M. on December 31, 1988 were Correctional Officer Fenton and Auxiliary Security Officer Bainas. Fenton had worked several shifts in Westgate A, but had no previous experience in the O.S.U. He did not even know who was in there or why. Bainas had not completed his training program and should not have been assigned to that unit.

Thus, at the commencement of the night shift on December 31, 1987, the status of the O.S.U. was as follows:

- the wooden doors to the quiet cells were standing open
- the key to the outer door was inside the unit
- the only source of communication with Central Control was the internal telephone system
- inexperienced and unqualified staff were on duty and unaware of the type of inmates under their charge.

The stage was set.

PART IV

THE ESCAPE ON JANUARY 1, 1988

A. The Escape

Officer Bainas had arrived at the O.S.U. at approximately 10:55 p.m. on December 31, 1987. There he had a brief discussion with one of the officers going off shift and was given a quick rundown on the status of the unit. He was told that the wooden doors were to be left open and that the inmates were allowed tobacco but not matches. Bainas did a count as the other officers were preparing to leave but did not check the cell locks. He said he had never been told to check those locks when he came on duty and in any event he did not know how the B side quiet cell locks worked. Officer Fenton arrived at the unit at 11:00 p.m.

Routine checks were performed at 11:30 p.m., midnight and 12:30 a.m. and everything appeared to be in order.

"REMOVED AT THE REQUEST OF COUNSEL TO THE COMMISSION"

"REMOVED AT THE REQUEST OF COUNSEL TO THE COMMISSION"

Both officers were then instructed to lie face down on the floor. They did so and their hands were secured behind their backs. The keys were then taken from Bainas and one or both of the inmates went around unlocking the cell doors. There was a good deal of confusion in the unit while this was going on, during the course of which Bainas heard a voice say "let's do the guards" and another voice reply "no, leave them alone, you're free now".

Bainas and Fenton were then pulled up from the floor, thrown into separate cells and the doors locked behind them.

Two of the inmates remained in the O.S.U. One of them chose to remain despite the fact that his cell door was opened, but the other had no choice. Accidently or otherwise, his cell door remained locked.

It is not surprising that none of the escapees, when they testified, could or would say who had opened their cell doors. Many of them said that they were sound asleep at the time and were woken, either by the noise of the scuffle or the noise of their cell doors opening. In any event, once the guards had been overpowered and the keys taken, the cell doors and exit door were opened and, as one of the inmates put it rather picturesquely, they "went into the night".

Policy then in effect at Oakalla provided for the deployment of one officer to act as a "prowl" officer between the hours of 11:00 p.m and 7:00 a.m. His function was to patrol the grounds of Oakalla on the alert for any unusual incidents and to give early warning should anything untoward occur. Regrettably, it was also part of the policy then in effect that, between the hours of 1:00 a.m. and 3:00 a.m., he was required to report back inside one of the buildings to relieve officers taking their

coffee and meal breaks. As a consequence, the prowl officer was not patrolling the grounds at the time of the escape.

The exact method by which the first inmate escaped from his cell remains something of a mystery. No more likely explanation was offered than that originally suggested by Deputy District Director Stevens to the members of the press and electronic media. He demonstrated how a prisoner, housed in one of the "B" side quiet cells, might by reaching under the plexiglass door panel, loop a length of torn bedsheet over the handle of the locking device and, assuming the locking pin was not properly in place, pull the handle down, release the latch and so get out of his cell.

The handle could not have been pulled down and the door opened if the locking pin had been properly seated. No explanation was found as to why it was not. On the evidence, there are three possible reasons:

(1) an officer, when returning the inmate to his cell, neglected to insert the pin and make sure the handle was in the locked position;

(2) the inmate himself may have discovered a means of disengaging the pin as well as pulling down the lever; or

(3) another inmate, during the course of ablutions or while assisting the staff by passing around coffee, entered the quiet cell area and disengaged the pin.

The third alternative seems to the most likely reason.

B. The Discovery of the Escape

Each unit at Oakalla is required to report by telephone to Central Control every hour, on or about the hour, between midnight and 7:00 a.m. At midnight, all units reported. At 1:00 a.m., all units save the O.S.U. reported. At 1:05 a.m., P.O. Claassen, who was on duty in Central Control, telephoned the O.S.U. but heard a busy signal.

A few minutes later he called again and let the telephone ring five or six times. Receiving no reply, he called again. Still receiving no answer, he instructed some officers to go to the O.S.U. and investigate. A few minutes later one of those officers returned to Central Control, informed Claassen that the outside door to the O.S.U. was standing open and asked for a firearm. He was given a revolver and thereupon returned to the O.S.U. together with another officer armed with a shotgun. They joined several other officers who were waiting at the top of the stairway leading down into the unit. There was a good deal of

disagreement and confusion, both as to who was in charge and how entry should be effected. In the end the officer carrying the shotgun was the first to enter.

After finding Fenton and Bainas locked in separate cells, that officer used the unit telephone to inform Claassen that inmates had escaped but that the staff members had not been harmed. However, he did nothing about releasing Fenton and Bainas before leaving the unit to search for the inmates.

In the meantime, at approximately 1:15 a.m., Claassen received a telephone call from the dispatch officer at the Burnaby R.C.M.P. detachment. A complaint had been received by them about a car theft some distance from Oakalla, and from the description of the thieves, the officer suspected that there had been an escape. Claassen told the officer that they were just checking the situation and that he would call back. At 1:20 a.m. Claassen telephoned to the detachment and confirmed the escape, whereupon R.C.M.P. officers were dispatched to investigate.

The Oakalla Policy and Procedures Manual contains a procedure to be followed when an escape occurs. It provides, amongst other things, that the officer in charge of Central Control is to organize and direct the search operation. On the evidence it seems that the search mounted by the Oakalla staff

was performed in a haphazard manner, with armed officers going to various places, such as a Skytrain station, on their own initiative rather than as part of an organized and co-ordinated search plan.

I am not suggesting that a properly organized search would have resulted in the apprehension of any of the escapees. Given the time that had elapsed and the relative ease with which one may escape from the prison grounds, that would not have occurred. Nonetheless, the lack of organization and control is disturbing.

C. The Release and Subsequent Treatment of Officers Fenton and Bainas

The first officer to enter the O.S.U. showed no sympathy whatsoever toward his fellow officers, Fenton and Bainas. In fact, his comments to them were to the effect that they had better have a good excuse for what had happened or they would be out of the service.

It was not until an R.C.M.P. officer arrived that the two officers were released from the cells. Both were then interviewed by Deputy Director Stevens and asked to prepare written reports. It is apparent that, although both officers were in a state of shock, little attention was given to their

condition. No one asked them if they needed medical attention. As it transpired, both required treatment and were off work for a period of time. While this lack of sensitivity was not intentional, it was unfortunate.

PART V

OTHER RECENT ESCAPES

On December 11, 1987 three inmates escaped from the Westgate B unit. This escape was not publicly reported and did not come to light until, soon after the January 1 incident, one of the December 11 escapees contacted the media to complain about a lack of publicity. The other escape incident, which was promptly reported, occurred on February 7, 1988.

The Commission examined the internal reports concerning these two incidents. Thorough investigations had been conducted and in those reports no attempt was made to excuse the security lapses that had occurred. The Commission also heard testimony from Mr. Schmidt, Local Director of the Health Care Centre, the author of the report concerning the December 11, 1987 escape. I concluded that Mr. Schmidt's testimony and the information and observations contained in the reports were sufficient for the purposes of this Inquiry.

The facts concerning the December 11, 1987 escape may be briefly stated. Shortly after 6:00 p.m. that evening, three inmates housed in the protective custody tier in Westgate B escaped from that building through a hole which had been made in the outside wall above the end cell in that unit. The escape was not detected until approximately 11:10 p.m. The preparation of

the escape route and the escape itself occurred during the evening recreational period while most of the inmates were in another part of the unit. Those who remained on the tier were inadequately supervised. Certain members of the staff negligently failed to comply with their standing orders.

Following Mr. Schmidt's investigation disciplinary action was taken against those officers who had failed to properly carry out their duties and more specific directions were issued concerning the supervision of inmates during the recreational period. Those measures were reviewed and approved by the Director of Inspection and Standards.

On the evening of February 7, 1988 three inmates under the supervision of a correctional officer were working in the laundry area of the then uninhabited South Wing. Suddenly, two of the three inmates confronted the officer with weapons, two homemade knives and a stick of wood, trussed and gagged both the officer and the third inmate and escaped from the building and the grounds.

A subsequent investigation conducted by Inspector Thimsen of the Inspection and Standards Branch disclosed that the inmates had, on the preceding day, been able to make preparations for their escape by cutting through the shackle of a high quality

padlock, apparently by means of a jeweller's saw. After leaving the unit, the inmates climbed over the perimeter fence and made good their escape.

Inspector Thimsen concluded that the supervision of the inmates on the day preceding the escape was wholly inadequate. Significantly Inspector Thimsen also found that, at the critical time, the prowl officer was, as scheduled, inside a building relieving another officer.

PART VI

CONCLUSIONS AND RECOMMENDATIONS RELATING TO THE ESCAPES

In this part of the report I propose to set forth the conclusions I have reached as to the causes of and reasons for the three escapes discussed above and to present certain general recommendations as to what should be done so as to reduce the chances of future escapes. Other more specific recommendations will be made later on.

The causes of the escape on January 1, 1988, as they emerged from the evidence are:

(a) the failure by management to appreciate the fundamental insecurity of the O.S.U.;

(b) the lack of clear and consistent directions by management and certain senior staff officers, which allowed confusion to develop regarding the manner in which the unit was to be operated;

(c) the failure by management and certain senior staff officers to ensure that the unit was properly staffed and that those officers who were detailed to serve in it were given instructions regarding the unique locking device;

(d) the lack of personal alarm transmitters, which would have allowed Bainas and/or Fenton to alert Central Control that something was amiss; and

(e) a disturbing lack of vigilance on the part of some of the staff officers who worked in the unit.

I found no specific reason or reasons for the escape. Some inmates testified that they were afraid of what was going to happen to them while they were held in the O.S.U., but I do not believe that motivated them to escape. Between December 29 and January 1, representatives of the Ombudsman's Office and the Citizens' Advisory Committee toured the unit and several visits were made by doctors from the Health Care Centre. There was no reason for the inmates to be apprehensive about their physical safety.

There was nothing to indicate that this escape had been planned long in advance, nor was there any sign of outside assistance. The existence of a weapon, the razor blade melted into a toothbrush handle, does however denote a measure of planning and preparation. The Commission concludes that it was manufactured by an inmate sometime after the move to the O.S.U., and that was made possible by a security lapse on the part of the staff.

One or more cunning inmates, having observed the deterioration of security and vigilance as time passed by, seized the opportunity to escape when it arose. Obviously more than two inmates knew that an escape attempt would be made. The calls for matches and water were seemingly calculated to draw Officers Fenton and Bainas away from the desk area so as to prevent them from calling for assistance and to separate them so that they would be more vulnerable to attack.

From the moment the decision was made to leave the wooden doors open, the unit was vulnerable. It was folly to rely on a locking device which could be operated without the use of a key where other effective envelopes of security were not present.

The lack of direction as to the operation of the unit illustrates a need on the part of management to ensure that not only is there effective policy in place but that it has been conveyed to the staff in clear and understandable terms. More will be said about this in Part X under the heading "Internal Communications".

The lack of adequate staffing arrangements will be addressed in Part VIII of this report.

Earlier in this report I noted that it was a mistake on

Craig's part to have made the decision to conduct a second search without consulting Krahnbel or District Director Gobillot. More serious, in the view of the Commission, is the fact that he found himself in a position where he felt obliged to make that decision on his own. Someone from the senior management level ought to have been actively involved by that time.

The Commission recommends that Corrections Branch policy be amended to clearly require that a senior management officer, either the District Director, the Deputy District Director or the Deputy Director, whichever one is on duty or on call at the time, attend at the scene of any critical incident, to be available for consultation, advice and, if necessary, to assume control of the situation.

As noted above, the search conducted after the escape was discovered was apparently conducted in a haphazard manner. **The Commission therefore recommends that the escape response policy be reassessed and that it be reviewed periodically with those officers who are from time to time in charge of Central Control and would thus be responsible for the institution and direction of a search.**

A lack of vigilance is the factor common to each of the three escapes. No amount of written policy can create alert, well motivated and self-reliant security officers. It is the

responsibility of management to instill in all staff members a conciousness of the responsibility that each and every one of them carries. It is particularly important that this be achieved at Oakalla where, because of its outmoded structure, constant vigilance is required.

Earlier I described and expressed my concern regarding the procedure adopted to effect the extraction of the inmates from their cells on December 29. In the opinion of the Commission, the plan adopted for that purpose was ill-conceived. Consideration ought to have been given to allowing the inmates the option of peacefully surrendering themselves, rather than sending officers into their cells. Had that been done, the likelihood of altercations and injuries would have been reduced. Given the fact that only 14 out of more than 50 inmates had been identified as trouble makers, that option should, at the very least, have been offered to the others.

The Commission therefore recommends that a procedure be formulated to serve as a guideline for cell extractions.

Finally, **the Commission recommends that the O.S.U. never again be used for the containment of inmates, under any**

circumstances. Not only is it insecure, its physical condition is wholly unsatisfactory. The Commission was pleased to learn during the course of the Inquiry that the Corrections Branch had already reached the same conclusion and that arrangements have been made, should a similar need arise, for the temporary accommodation of inmates in other provincial or federal institutions.

PART VII

THE EFFECTIVENESS OF THE FACILITIES FOR THE CONTAINMENT OF PRISONERS

Nearly 20 years have passed since it was first suggested that Oakalla is an outmoded structure. No one suggests that it is a suitable place for the containment of prisoners, but that is not the issue here. This Commission is concerned with the effectiveness and the adequacy of its facilities.

I heard a good deal of evidence concerning this subject, and during the course of my visits, was able to compare the facilities at Oakalla with those at the Vancouver Pre-Trial Services Centre and the Vancouver Island Regional Correctional Centre. While the facilities at those two centres are clearly superior to those at Oakalla, the Commission is satisfied that, given proper vigilance on the part of management and staff, the facilities at Oakalla, with the exception of the O.S.U., are effective for the containment of prisoners. In this regard it should be remembered that in each of the three escape incidents considered by this Commission the primary cause was human error.

So far as the effectiveness of its static facilities is concerned, the major deficiency at Oakalla is the lack of

appropriate perimeter security. To meet this problem, District Director Gobillot has instituted a program of dog patrols, added to the number of prowl officers and, in some units, increased the number of officers on certain shifts. **The Commission recommends that these arrangements be continued so long as Oakalla is in use and, in particular, that at least one prowl officer be stationed outside, on the grounds, at all times, day and night.**

More than one officer testified that there are problems associated with radio communications on the prison grounds. Apparently several "dead" areas exist and there is interference from other users of the radio channel allocated to Oakalla. **The Commission recommends that the quality of the radio equipment in use at Oakalla be improved and that the feasibility of establishing a separate radio channel for communication purposes be studied.**

With the exception of those locking devices used on the inside doors of the B-side quiet cells in the O.S.U., the cell locking devices in use at Oakalla, while outmoded, are adequate. Naturally, there are from time to time malfunctions requiring repairs or replacements. Such malfunctions or other security deficiencies should be but are not always noted in the unit log. As this is the most effective way of alerting succeeding shifts to the existing malfunction, **the Commission recommends that a**

procedure be established, either by means of a separate log or by highlighting entries in the unit log, so that succeeding shifts may be readily informed of such problems.

While, from the point of view of security or containment, the facilities at Oakalla are adequate, from any other point of view they are not. A veritable litany of the shortcomings in this regard could be given, running from the fact that the tiers of cells in the main building, built 76 years ago, do not measure up to today's standards, to the lack of adequate educational, vocational and recreational facilities. There is no practical way of curing these deficiencies short of totally replacing the institution.

PART VIII

ESTABLISHMENT OF SHIFTS AND DEPLOYMENT OF OFFICERS

The Commission was directed to inquire into and report on the methods for setting shifts and systems for shifts at Oakalla as well as the deployment of officers with particular reference to deployments made at the time of the escape.

Insofar as the system of shifts in effect at Oakalla is concerned, consideration must first be given to the collective agreement between the Corrections Branch and the B.C.G.E.U. - Corrections Component, which establishes the hours of work and related matters for the Oakalla staff. Essentially, there are three shifts per day, the first from 7 a.m. to 3 p.m. (the day shift), the second from 3 p.m. to 11 p.m. (the afternoon shift) and the third from 11 p.m. to 7 a.m. (the night shift). For each eight-hour shift, the line officers are paid for seven and one-half hours of work, the remaining one-half hour being an unpaid meal break. The collective agreement affords certain latitude to management in scheduling the shifts within the eight-hour maximum framework, particularly with regard to commencement times.

The system of shifts in effect up to the middle of 1987 allowed for a 15-minute overlap of all line officers coming on

duty with those who were just completing their shift. The system was then altered so as to eliminate the overlap, except with respect to the principal officers supervising each shift.

The union challenged this change on the ground that it compromised the safety of line officers and the matter was referred to the Workers' Compensation Board for consideration. On December 10, 1987, the Board ruled that while the elimination of the shift overlap did not put the officers at risk, it was necessary that new procedures be established to ensure that the oncoming shift is made aware of any potential problems. On December 29, 1987 a directive was issued by the Ministry of the Attorney-General requiring that written procedures be developed and incorporated within Oakalla's Policy and Procedure Manual with respect to the passing of critical incidents information from one shift to the next.

There was not time to respond to that directive before the escape occurred on January 1, 1988. The matter was subsequently addressed and on April 6, 1988 the Workers' Compensation Board acknowledged its approval of the procedures adopted at Oakalla with respect to this issue and directed management to ensure that staff are trained in and comply with the new procedures. Notwithstanding the Board's approval, the

B.C.G.E.U. remains of the view that the full fifteen minute overlap is necessary.

The Commission is of the view that the existing system of shifts, including the limited 15-minute overlap, is appropriate provided that the procedures developed to ensure that information is passed along from one shift to another are conscientiously followed. More will be said regarding this matter in the next part of this report.

The Commission identified two principal deficiencies in the manner in which officers were deployed at the time of the escape on January 1, 1988. The first has already been mentioned; that is the diversion of the prowl officer from his principal duties to serve, for a two-hour period, as a relief officer inside one of the buildings. That practice has stopped and must not be allowed to occur again.

The other principal deficiency relates to the "call board" system in effect at Oakalla. In essence, the system operates in this fashion. Every officer on full-time staff is assigned to one or another of the units, where he will be rotated through the three shifts described above. When a full-time officer is, for any reason, unable to work his shift, the need for a replacement is made known to Central Control and the principal

officer on duty there has the responsibility of filling that vacancy from a list of auxiliary officers whose names have been placed on the call board.

As mentioned earlier, on the evening in question, Officers Fenton and Bainas were assigned to work in the O.S.U. The Oakalla District Policy and Procedures Manual, under the heading "Segregation Staffing" stipulates that an auxiliary officer may only work afternoon or night shift in a segregation unit if three conditions are met. They are:

(1) he has completed his basic training program;

(2) he has completed two years of service; and

(3) he is working with at least one other "experienced" officer.

The British Columbia Corrections Branch Service Delivery Standards also provides, in section 84(8), that staff members on duty in any segregation unit shall have fully completed the security officers' basic training course.

Fenton had completed his basic training program and had just completed two years of service. Without in any way

criticizing Officer Fenton, one must question whether or not, for Segregation Unit purposes, he was an "experienced" officer. Bainas was an auxiliary officer and had completed neither his basic training program nor two years of service. Accordingly, his assignment to the O.S.U. was a clear breach of policy.

Upon my instructions, an examination was made of the call board roster as it appeared on December 31, 1987, and it was found that the list did not disclose either the level of training or experience of the officers whose names appeared. Therefore, the officer in Central Control responsible for filling the assignments to the O.S.U. had no way of knowing that Officer Bainas was not qualified for that assignment.

Since that time the training curriculum has been significantly changed so that auxiliary officers now receive all of their basic training before they are allowed to undertake the duties of a line officer. Accordingly, there could no longer be a repetition of this incident insofar as training is concerned. However, there is nothing to prevent the assignment of an officer who has not completed the necessary two years of service. It seems that at the present time the only check on this system is an expectation that the officer making the assignment will make inquiries concerning the qualifications of the proposed replacement. That is not satisfactory.

The Commission therefore recommends that the call board system be modified to require that the qualifications of all officers whose names appear on the list be kept current and be either displayed with the officer's name or readily available to the Central Control officer who would then be required to check those qualifications before completing the assignment.

PART IX

SECURITY AND REPORTING PROCEDURES

The evidence heard by the Commission disclosed significant deficiencies in this area.

As mentioned above, the elimination of total shift overlap made necessary a substantial improvement in reporting procedures. Careful attention must be given to this matter so as to ensure that all critical information is passed on from one shift to another and from each unit to the officers in Central Control. Since the unit log appears to be the most suitable means of conveying such information from one shift to another, management and senior staff officers must do more to instill awareness on the part of shift supervisors that all important information is to be entered in the log. It must also be brought home to all concerned that it is the duty of the oncoming shift supervisor to study that log and to make sure that all officers under his supervision are made aware of such information.

Another aspect of this matter came to light during the course of the Inquiry. There appears to be a general lack of appreciation of the necessity for each officer to prepare and file what are referred to as "incident reports". For example, one of the two officers who testified that they saw weapons in the hands of inmates on 2R tier following the disturbance on December 27,

1987, failed to file a written report. Steps must be taken to ensure that all staff members appreciate their responsibilities in this regard.

I had anticipated that considerable attention would be given to another aspect of this subject, that is, whether or not public notice should always be given of the fact that an escape has occurred. At the outset, there was an indication that at least one member of the Burnaby Municipal Council held strong views on this subject and arrangements were made for him to appear at the Inquiry. However, he did not appear, nor did he accept my later invitation to file a written submission. I also noted suggestions made by others that the public should always receive immediate notice of each and every escape from a correctional facility.

When an escape occurs it is the responsibility of the officer in charge of Oakalla to immediately notify the R.C.M.P. of that fact. It then becomes the responsibility of the R.C.M.P. to determine whether or not public notice should be given.

The Commission heard testimony from Inspector Byam of the R.C.M.P. Burnaby Detachment. He is the officer responsible for dealing with escapes from Oakalla and other correctional institutions within the jurisdiction of his detachment. He testified that it is R.C.M.P. policy to immediately determine

whether or not an escapee has a past record of violence and might therefore be a danger to the public. If he is such a person, the detachment will promptly notify the major media outlets so that notice may be given to the public. If, on the other hand, it is found that he is not such a person and that no real threat to the public exists, immediate notice may not be given. In certain cases, where it is felt that public notice would hinder the process of recapture, no notice will be given.

Inspector Byam assured the Commission that any decision regarding public notification is made at or above the staff sergeant level. Any officer holding the rank of staff sergeant in the R.C.M.P. has many years of experience and is well qualified to make that sort of decision. In fact, at the time of the Inquiry, all officers then holding the rank of staff sergeant at the Burnaby Detachment had at least 30 years' experience.

The Commission is of the opinion that it would be a mistake to fetter the discretion of the R.C.M.P. concerning this matter of public notice and that the present procedure should not be altered.

The police look to Oakalla for a photograph of any inmate who escapes. Inspector Byam has pointed out to the Commission that several of the photographs of the prisoners who

escaped on January 1, 1988 were unsatisfactory. They did not portray a clear and accurate likeness of the inmate.

The Commission recommends that suitable equipment be provided so that accurate photographs of inmates will be available.

PART X

OTHER MATTERS

The following observations relate to other matters that, in my view, are relevant to the containment of inmates at Oakalla. Some of them have little, if anything, to do with the prevention of future escapes, but arose during the course of the Inquiry and deserve attention.

A. Allegations of Staff Drunkenness

Allgeations by certain inmates that some staff officers, while on duty at the time of the riot were under the influence of alcohol, were widely reported by the media.

I find, without qualification, that these allegations are groundless.

B. Internal Communications

It is important to recognize and remember that at an institution such as Oakalla a continuing series of events, some of greater importance than others, have an effect on succeeding shifts and on other parts of the institution. There must be comprehensive and continuous record of these events maintained and made known to those that may be affected by them.

It is necessary that an effective communications system is established and maintained so as to ensure that:

(a) events of significance are properly documented and reported so as to provide an accurate historical record of those events;

(b) information concerning such events is accurately conveyed to all staff members; and

(c) policies and procedures dictating the manner in which the institution and its several units are to be operated, or in which specific tasks to be performed, are effectively made known to the staff.

Deficiencies in each of these three areas were noted during the Inquiry. For example, incident reports were not prepared as required; some of the officers who worked in the O.S.U. had not been told enough about the inmates who were being held there and there was an absence of written instructions concerning the operation of the O.S.U.

I have reviewed the several volumes of policy and procedures dealing with the operation of correctional institutions

and Oakalla in particular. As in most aspects of our present society, the number of such rules and regulations is increasing. This Commission feels that it is unreasonable to expect every officer to be readily familiar with this mass of information and that it is not enough to simply make copies of manuals available for inspection from time to time or to post memoranda concerning new policies and procedures.

In order to bring about a higher degree of awareness of and compliance with policies and procedures, **the Commission recommends that several separate policy booklets be prepared, each containing the policies and procedures relating to certain selected functions and staff positions.** Some of these containing information such as "The Duties of a Tier Officer" or "How to Prepare an Incident Report" might be made available to each line officer. Others containing procedures relating to such functions as "The Operation of a Segregation Unit" or "Escape Response Procedures" should be kept readily available in the Segregation Unit and the Central Control area.

C. The Training and Use of a Tactical Team

During the events considered by this Inquiry, tactical teams were twice called into action. The first of those times, on

December 27, 1987 was the very first occasion on which a tactical team made up of Oakalla staff members was so employed.

While the need to maintain a tactical team capacity at a maximum security institution such as Oakalla cannot be questioned, careful consideration must be given to the manner in which such a team is established and trained. It goes without saying that any situation in which a tactical team is deployed will be tense, confrontational and probably dangerous. Every effort must be made to ensure that the members of those teams are carefully selected and properly trained so as to minimize the risks, both to themselves and to the inmates, inherent in such situations.

The Commission recommends that:

(1) the tactical team be made up of officers on staff at the institution;

(2) membership on the team be voluntary;

(3) members of the team be officers with a minimum level of service, perhaps not less than two years;

(4) a selection process be established, perhaps with the assistance of the R.C.M.P., the Vancouver City Police or

the Justice Institute, whereby suitable candidates can be selected from amongst the volunteers;

(5) there be a two-tier system established whereby certain members will be chosen, because of their greater experience or higher level of training, to serve on a "first team" to be deployed in more critical situations; members serving on the "second team" would be available to serve in less serious incidents and as a pool from which replacements to the "first team" could be recruited; and

(6) an identifying mark or number be displayed on tactical team uniforms and helmets so that, upon later review, the manner in which each officer conducted himself may be more readily determined.

The Commission also recommends that, wherever practical, tactical team operations be recorded on videotape to facilitate the investigation of allegations of improper conduct and to provide a means whereby tactical team operations may be reviewed in the interests of improvement.

D. The Use of Firearms

The Commission understands that Oakalla is the last

institution in the B.C. Correctional System in which firearms are maintained for security purposes.

Based on the evidence heard, the degree of training in the use of firearms given to the regular staff officers at Oakalla is inadequate. For example, it seems obvious that a security officer should never enter an unknown situation, where a direct confrontation with one or more inmates is possible, bearing a firearm.

The Commission questions the wisdom of retaining firearms at Oakalla and recommends that consideration be given to eliminating their use entirely or, alternatively, restricting their use to officers who have received special training.

E. The Requirements of Sections 35 and 38.1 of the Correctional Centre Rules and Regulations

During the Inquiry, questions were asked concerning the legality of the detention of inmates in the O.S.U.

The Correctional Centre Rules and Regulations, promulgated pursuant to section 47 of the Correction Act contain several provisions dealing specifically with the confinement of an inmate in a segregation cell (defined as a cell that is located and designed to isolate an inmate, while housed in it, from

contact with other inmates) or in separate custody. Two of these sections, 35 and 38.1 read as follows:

"Segregation cell

35. (1) Where, in the opinion of the director, an inmate

(a) exhibits behaviour likely to endanger himself or other persons, or

(b) obstructs or impedes the proper management, order or discipline of the correctional centre,

the director may order that the inmate be confined in his cell or a segregation cell.

(2) An inmate confined under subsection (1) shall be released from his cell or the segregation cell to his regular program within 24 hours of the beginning of the confinement unless

(a) the inmate is, arising out of the circumstances giving rise to the confinement, charged with an offence under an enactment of the Province or of Canada, or

(b) the director has requested an examination of the inmate by 2 medical practitioners for the purpose of removing or transferring the inmate to a Provincial mental health facility designated under the Mental Health Act

(3) Where the director has not, within 5 days from the beginning of the confinement of an inmate referered to in subsection (2)(b), recommended or authorized the removal or transfer of the inmate to a Provincial mental health facility, he shall at once release the inmate from his cell, or the segregation cell, to his regular program at the correctional centre.

Separate custody

38.1 (1) Where, in the opinion of the director, it is necessary or desirable for the security and order of a correctional centre or the safety of the inmate that an inmate be kept in custody separate from other inmates, the director may order that the inmate be kept separate from other inmates.

(2) Where an inmate is kept in separate custody under subsection (1),

(a) the director shall review the reasons for the separate custody at least once every seven (7) days and decide whether or not the circumstances giving rise to the separate custody have changed sufficiently to permit the inmate to be kept in custody with other inmates, and

(b) the regional director shall review a decision made under paragraph (a) within thirty (30) days after the decision is made.

(3) An inmate kept in separate custody under subsection (1) shall not for that reason only be deprived of any privilege granted to other inmates at the correctional centre unless the privilege cannot reasonably be granted to the inmate having regard to the limitations of the area in which he is kept separate and the necessity for the effective operation of that area of the correctional centre.

The transfer of 22 inmates from the South Wing to the O.S.U. on December 29, 1987 was effected pursuant to section 35. However, no consideration was given to the requirements of subsection (2). As no charges were brought against any of the inmates, after the expiration of the 24 hour period their detention became illegal.

Had the transfer and detention been carried out pursuant to section 38(1) there would not have been a problem. However, it appears that the intent of that section is to deal with those inmates who, for reasons of security and good order or their own personal safety, must be held in protective custody.

As a practical matter, the time limitation contained in section 35, the section which is clearly intended to authorize the detention of an unruly inmate in a segregation cell, is unrealistic. In a situation where a police investigation has been initiated and criminal charges are contemplated, 24 hours is an insufficient period of time in which to complete that investigation and decide whether or not charges should be laid.

One must, however, bear in mind that a time limitation is necessary in order to safeguard the rights of inmates. A reasonable balance must be found. **The Commission recommends a review of sections 35 and 38.(1) to clarify the purpose of each and determine whether amendments might be made to them to provide a more realistic time limitation while at the same time preserving the legal rights of the inmates.**

F. Inmate Programs

Due to the outmoded design of the institution and the

reliance on security envelopes around each unit rather than an overall perimeter security system, the work and educational programs provided at Westgate B are not available to the inmates housed in the East and South Wings of the main building.

It does not fall within the mandate of this Commission to make any specific recommendation in this regard, but it is a matter that is, in a sense, related to the overall security issues. The John Howard Society, in its excellent submission, pointed out that inmates may spend less time and energy in planning escapes if, in a constructive way, the amount of idle time is reduced.

One of the most notable features at the Vancouver Island Regional Correctional Centre is the broad range of manual and educational programs available to the inmates. Members of the faculty at Camosun College are actively engaged in this area.

The Commission, while recognizing the limitations imposed by the obsolete physical structure of Oakalla, recommends that a concerted effort be made to devise means whereby educational and vocational programs may be made available to the inmates of the East and South Wings.

G. Staff Training

At the time of the January 1, 1988 escape, many officers

working in the various units, including the South Wing of the O.S.U. had not completed their basic training. The inadequacies of the former training program had been recognized some months earlier and by March of this year all staff members had completed the initial training program.

Of equal importance, in the view of the Commission, is the need for ongoing training. This need is well expressed by the John Howard Society in the following words:

> "Training for a task as dynamic as that of prison staff should be an ongoing process. It requires an adequate introduction to principles of human behaviour and of prison life, an orientation to procedures and processes particularly to the work setting, and regular sessions feeding in new information and exchanging experiences with peers to support learning from what happens on the job. While opportunities should be provided for participation in courses, seminars, institutes, outside of the workplace, the fundamental and continuous training requirement should not be of such low priority that it is relegated to 'own' time".

The Commission echoes those sentiments. Several staff officers showed a strong interest in ongoing training. Good morale helps to maintain the high degree of vigilance that has so often been stressed. Proper ongoing training programs will contribute to the maintenance of good morale.

The Commission recommends that, under the auspices of the Justice Institute, increased opportunities be provided for staff officers to receive appropriate types of continuous training. Consideration should be given to emphasizing the importance of ongoing training by treating it as a part of an officer's regular employment.

H. The Resolution of Inmate/Staff Disputes

It goes without saying that responsibility for the administration and the control of the institution rests with the management and staff and this responsibility is not to be shared with the inmate population.

Nonetheless there is a need for some recognized means of communication between the inmates on the one hand and staff on the other, with a view to the resolution of complaints or disputes between them. In the view of the Commission, that form of communication would not lessen the authority of the staff and should be fostered.

The Commission recommends that greater attention be given to the establishment and maintenance of a tier representative system whereby, complaints and disputes may be expressed and discussed at regularly scheduled meetings.

I. The Resolution of Staff/Management Safety Concerns

During the course of the meetings held in the South Wing by members of the afternoon shift with C.O. Buss and S.C.O. Craig, frequent reference was made to the "safety of the staff and security of the unit". While both Buss and Craig were initially skeptical of the concerns raised by the staff, their doubts were apparently resolved and, faced with the possibility that the staff would not release the inmates from their cells, Craig made the decision to conduct a second search.

During the course of the Inquiry it was suggested that some mechanism ought to be provided whereby differences between management and staff regarding safety issues could be resolved by an independent mediator.

In fact, although it seems that neither Craig nor Buss considered it at the time, such a mechanism already exists in the procedure set out in section 8.24 of the Industrial Health and Safety Regulations promulgated pursuant to the Workers Compensation Act. It is the view of the Commission that no other mechanism need be provided for the resolution of disputes of this nature.

J. The Protection of Prisoners' Rights

During the course of the events discussed in this report

there occurred a number of violations of the disciplinary procedures set out in Correctional Centre Rules and Regulations and the Oakalla District Procedures Manual.

For example, after he was removed from the South Wing on December 29, inmate Dzvonik was charged with a disciplinary offence and taken to Westgate A segregation. On December 30, S.C.O. Craig went to see him in the segregation unit and told him that if he pled guilty to the charge he would be returned to the general inmate population the next day, but that if he did not plead guilty he would be held in the segregation until witnesses became available. Craig frankly acknowledged that he coerced Dzvonik into a guilty plea.

Inmate Sidon, in whose cell were found two brass rods just prior to the outbreak of the riot on December 29, 1987, was told at the time that he would be charged with possession of contraband. Subsequently he was transferred to the O.S.U. and then to the Health Care Centre for examination and treatment. There S.C.O. Craig spoke to him about the incident and, without following the prescribed disciplinary procedures, sentenced him to 15 days in segregation.

After he had been released from the Health Care Centre and transferred to the Westgate A segregation unit, Sidon wrote to

the Inspection and Standards Department and to the Local Director of the South Wing protesting his innocence and complaining about the way Craig had dealt with this matter. The South Wing Local Director referred the letter to Craig who thereupon withdrew the charge and released inmate Sidon from segregation. Once again, it is clear that the prescribed disciplinary procedures were not adhered to.

The Commission suspects that this way of dealing with disciplinary offences is not unusual at Oakalla.

It has been suggested that consideration be given to the establishment of an independent inspection body comprised of members of the general public, the legal profession and the judiciary whose function it would be to ensure that the laws relating to disciplinary matters are complied with. It is the opinion of the Commission that satisfactory procedures are prescribed in the Correctional Centre Rules and Regulations and adequate safeguards already exist in the form of the Department of Inspections and Standards and the the office of the Ombudsman. Another body with similar or overlapping jurisdiction would serve no useful purpose.

The Commission recommends, however, that the Department of Inspections and Standards be instructed to conduct regular audits of the disciplinary practices at Oakalla to ensure that the prescribed procedures are being followed.

K. The Citizens Advisory Committee

The beneficial role of a properly structured and well informed citizens advisory group is well recognized by both federal and provincial correctional authorities.

A Citizens Advisory Committee exists at Oakalla and one of its representatives visited the O.S.U. on December 31, 1987. However, the Commission is of the view that insufficient attention has been given to the proper utilization of that committee.

The Commission does not suggest that a citizens advisory group should assume the role of an arbitrator or mediator of staff or inmate grievances or disputes. That is not its proper function. Rather, it should, as its name implies, serve in an advisory capacity. The active involvement of a citizens advisory committee can serve to keep the management of a correctional institution attuned to the needs and concerns of the community in which it is situate and, at the same time, help to dispel the anxieties and doubts raised in the minds of the general public by the sometimes sensational exposure given to such relatively rare events as riots and mass escapes. In other words, it should serve as a channel of communication between the community and the institution.

The Commission recommends that the Corrections Branch and the management at Oakalla devote more time and attention to the proper utilization of the Citizens Advisory Committee. Consideration should be given to recruiting additional members from such bodies as the faculty of Douglas College, the Burnaby School Board and the Burnaby Municipal Council.

PART XI

THE REPLACEMENT OF OAKALLA

In the preceding parts of this report, observations and recommendations have been made with a view to improving security arrangements at the existing institution.

It is recognized that this is a stop gap solution. Oakalla is to be replaced by two new institutions. One, to be known as the Fraser Regional Correctional Centre, will house a maximum of 254 sentenced inmates. The other, the Fraser Regional Pre-trial Centre, is intended to accommodate up to 150 inmates awaiting trial.

Earlier in this report, I mentioned that I had visited the Vancouver Island Regional Correctional Centre, on which the Fraser Regional Correctional Centre will be modelled and the Vancouver Pretrial Services Centre, on which the Fraser Regional Pretrial Centre will be patterned. I was able to examine, not only the new living units, which replace the old tiers of cells in use at Oakalla and at other institutions of similar vintage, but also the security arrangements and recreational, vocational and educational facilities provided. The differences are vast.

I have been assured that the Corrections Branch is firmly committed to ensuring that the two new institutions

designed to replace Oakalla are built and equipped to the very latest standards. This must be done with without delay. Not long ago I was informed that construction of both new facilities had been placed on "fast-track" schedules. It is now expected that the Fraser Regional Correctional Centre, being built in the Maple Ridge area, will be complete and ready for occupancy by March 1990. The Fraser Regional Pretrial Centre, to be built in Surrey, was to have been completed by November 1990. In recent days however there have been indications that the construction of the pre-trial centre may be delayed. This would be regrettable.

While this Commission understands the concerns expressed by people living in the immediate vicinity of the proposed pretrial centre, it would remind them that the Vancouver Pretrial Services Centre, which houses the most dangerous type of criminal, has yet to experience a single escape. The Commission would also suggest that they consider the example of the Vancouver Island Regional Correctional Centre, which is situated in a quiet, semi-rural residential area on the outskirts of Victoria.

The completion of the Fraser Regional Pretrial Centre may require a significant degree of political will but make no mistake - the immediate and total replacement of Oakalla is necessary.

The Commission strongly recommends that the Government of British Columbia complete construction of the two new institutions without delay and close the gates of Oakalla forever.

PART XII

SUMMARY OF RECOMMENDATIONS

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2.	The Commission recommends that the escape repsonse policy be reassessed and that it be reviewed periodically with those officers who are from time to time in charge of Central Control and would thus be responsible for the institution and direction of a search.	61
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4.	The Commission recommends that the O.S.U. never again be used for the containment of inmates under any circumstances.	62, 63
5.	The Commission recommends that the measures recently implemented to enhance perimeter security, namely dog patrols and additional prowl officers and staff on certain shifts, be continued so long as Oakalla is in use and, in particular, that at least one prowl officer be stationed outside, on the grounds, at all times, day and night.	65
6.	The Commission recommends that the quality of the radio equipment in use at Oakalla be improved and that the feasibility of establishing a separate radio channel for communication purposes be studied.	65
7.	The Commission recommends that a procedure be established, either by means of a separate log or by highlighting entries in the unit log, so that succeeding shifts may be readily informed of security malfunctions or deficiencies.	65, 66
8.	The Commission recommends that the call board system be modified to require that the qualifications of all officers whose names appear	72

on the list be kept current and be either displayed or readily available to the Central Control officer who would then be required to check those qualifications before completing the assignment.

9. The Commission recommends that suitable equipment be provided so that accurate photographs of inmates will be available. 76

10. The Commission recommends that several separate policy booklets be prepared, each containing the policies and procedures relating to certain selected functions and staff positions. 79

11. The Commission recommends that: 80, 81

(1) the tactical team be made up of officers on staff at the institution;

(2) membership on the team be voluntary;

(3) members of the team be officers with a minimum level of service, perhaps not less than two years;

(4) a selection process be established, perhaps with the assistance of the R.C.M.P., the Vancouver City Police or the Justice Institute, whereby suitable candidates can be selected from amongst the volunteers;

(5) there be a two-tier system established whereby certain members will be chosen, because of their greater experience or higher level of training, to serve on a "first team" to be deployed in more critical situations; members serving on the "second team" would be available to serve in less serious incidents and as a pool from which replacements to the "first team" could be recruited; and

(6) an identifying mark or number be displayed on tactical team uniforms and helmets so that, upon later review, the manner in which each officer conducted himself may be more readily determined.

12. The Commission recommends that, wherever practical, tactical team operations be recorded on videotape 81

to facilitate the investigation of allegations of improper conduct and to provide a means whereby tactical team operations may be reviewed in the interests of improvement.

13. The Commission recommends that consideration be given to eliminating the use of firearms at Oakalla or, alternatively, restricting their use to officers who have received special training. 82

14. The Commission recommends a review of sections 35 and 38.(1) of the Correctional Centre Rules and Regulations to clarify the purpose of each and to consider amendments to provide a more realistic time limitation while preserving the legal rights of the inmates. 85

15. The Commission recommends that a concerted effort be made to devise means whereby educational and vocational programs may be made available to the inmates of the East and South Wings. 86

16. The Commission recommends that increased opportunities be provided for staff officers to receive appropriate types of continuous training and that consideration be given to treating ongoing training as a part of an officer's regular employment. 88

17. The Commission recommends that greater attention be given to the establishment and maintenance of a tier representative system. 88

18. The Commission recommends that the Department of Inspections and Standards be instructed to conduct regular audits of the disciplinary practices at Oakalla to ensure that the prescribed procedures are being followed. 91

19. The Commission recommends that the Corrections Branch and the management of Oakalla devote more time and attention to the proper utilization of the Citizens Advisory Committee and that consideration be given to recruiting additional members from such bodies as the faculty of Douglas College, the Burnaby School Board and the Burnaby Municipal Council. 93

20. The Commission strongly recommends that the Government of British Columbia complete construction of the Fraser Regional Correctional Centre and the Fraser Regional Pretrial Centre without delay and close the doors of Oakalla forever. 96

APPENDICES

APPENDIX A

LOWER MAINLAND REGIONAL CORRECTIONAL CENTRE INQUIRY ORDER

1. A commission be issued appointing the Honourable Judge Ian L. Drost of Vancouver to be a commissioner under Part 2 of the *Inquiry Act* to enquire into and to report on all matters and circumstances leading up to and associated with the escape from the Lower Mainland Regional Correctional Centre ("Centre") of 13 prisoners on or about the early morning of January 1, 1988. In particular, but without limiting the generality of the foregoing, the commissioner is directed to enquire into and investigate in such manner and at such times and places as he considers expedient, and ultimately to report on
   (a) the cause of and reason for the escape from the Centre, including the events leading up to it, the preparations and plans made by the escapees, weapons and implements used and assistance, if any, provided to them by fellow inmates and others,
   (b) the effectiveness of the facilities at the Centre for the containment of prisoners, including the condition of locks, barriers and structures and whether, in the opinion of the commissioner, these are adequate for the detention of the type of inmate housed at the Centre,
   (c) methods for setting shifts and systems for shifts at the Centre, deployment of officers on shift with particular reference to deployments made a the time of the escape, and whether those methods and systems are, in the opinion of the commissioner, appropriate and sufficient,
   (d) security and reporting procedures employed by officers on duty at the Centre, whether those procedures were properly complied with at the time of the escape, and in any event whether they are, in the opinion of the commissioner, adequate, and
   (e) any matter, which in the opinion of the commissioner is relevant to or associated with the containment of prisoners at the Centre including occurrences of other breaches of containment and the methods which, in his opinion, should be adopted to stop escapes from the Centre in the future.

2. To assist in achieving the objects of the said enquiry, the commission shall provide that
   (a) The Attorney General may appoint counsel to the commissioner,
   (b) the commissioner as well as counsel appointed under paragraph (a) has full powers to examine and cross-examine any person giving evidence at the enquiry, and
   (c) without limiting or restricting the rights and powers conferred on him by law, the commissioner may
      (i) direct that hearings, or parts of hearings, may be held in camera,
      (ii) make orders temporarily banning the publication of evidence received in part during the hearings for such period as the commissioner consider necessary to enable accurate publication to be made on all evidence taken, and
      (iii) exclude persons attending the enquiry as witnesses from hearing evidence tendered by others, with right to make orders on witnesses respecting non-disclosure of evidence tendered or to be tendered on conditions and during such period as may be set out in the order.

APPENDIX B

I, IAN L. DROST

swear that I will truly and faithfully execute the powers and trusts vested in me by His Honour the Lieutenant Governor in Council, under the Inquiry Act, according to the best of my knowledge and judgment.

SO HELP ME GOD

Ian L. Drost

SWORN and subscribed by the said **IAN L. DROST** at the City of **New Westminster**, Province of **British Columbia**, this 12th day of January, A.D. 1988, **before me –**

Chief Judge County Courts of B.C.

APPENDIX C

LIST OF COUNSEL APPEARING

Counsel to Commissioner	Leonard T. Doust, Q.C. James W. Williams, Esq. William B. Smart, Esq. Bronson Toy, Esq.
Counsel for Ministry of Attorney General, Corrections Branch	John E. Hall, Q.C. K.W. Ball, Esq.
Counsel for BCGEU	Ms. Marguerite Jackson Peter Harrison (student) A. Pape, Esq. Dale McGregor (student)
Counsel for Inmates of LMRCC (except 13 prisoners alleged to have escaped)	John Conroy, Esq. Michael Jackson, Esq. Ms. A. Bartram Ms. Susan Foote (student)
Counsel for BCTV, CHEK, CKVU, CKNW and RTNDA	R.H. Hamilton, Esq. D. Burnett
Counsel for CBC and affiliates	B.G. Baynham, Esq. Ms. L. Ostry (student)
Counsel for Gary Hicik and Gary Dewhirst	Brian Colemen, Esq.
Counsel for Steven John Gray	James A. Russell, Esq.
Counsel for Daniel Gordon Smith	Neil Sacks, Esq.
Counsel for Ray Williams	James Klopping, Esq.
Counsel for Bruce McKay and Neil White	Ms. Judy Gedye
Counsel for Alan Isbister	Ms. Ruth Sterling
Counsel for Terry Hall and Daniel Lee	Mike Rhodes, Esq. Ms. J. Percival
Counsel for Daniel Fetter and George Gravelle	Eric Warren, Esq.
Counsel for Robert Jaeniecke	Bernie Isman, Esq.

APPENDIX D

LIST OF WITNESSES

1.	Alan Edward MARKWART	February 2, 3 and 4, ALSO May 30
2.	W. Ernie SCHMIDT	February 4, and 5 ALSO May 27
3.	Gary HICIK	February 5 8 and 9
4.	Gary Douglas DEWHIRST	February 9, 10 and 11
5.	Daniel Gordon SMITH	February 11 and 12
6.	Roy WILLIAMS	February 12 and 15
7.	Neil Gordon WHITE	February 15
8.*	Bruce Gordon McKAY	February 15
9.*	Alan George ISBISTER	February 16 and 22
10.	Steven John GRAY	February 19 and 22
11.	Daniel Cory LEE	February 19 and 22
12.	Terry Irving HALL	February 22 and 23
13.	Daniel Nicholas FETTER	February 23 and March 1
14.	P.C. Timothy Sean FORESTELL	February 25
15.	P.C. Terrence Joseph McLACHLAN	February 25
16.	P.C. Armand Felician Joseph COP	February 25
17.	Inspector Robert Thomas BYAM	February 25
18.	Alfred Grant STEVENS	February 26, 29, March 3
19.	George Randolph GRAVELLE	March 1
20.	John Edward LAVEROCK	March 4
21.	Geordie Allen CRAIG	March 4, 8, 9 and 14
22.	Robet JAENIECKE	March 7
23.	Kenneth Elias JONES	March 10 and 11
24.	Larry Grant SIDON	March 18

* Called but refused to be sworn or give evidence

25. Robert Gordon DZVONIK	March 18 and 21
26. Steven Arthur SALISBURY	March 21 and 22
27. Lee MASON	March 22 and 30
28. Neil RASMUSSEN	March 22
29. John Paul DUPUIS	March 23
30. Mark DELORME	March 23
31. William Joseph Thomas HOY	March 24 and 25
32. Richard Lloyd WILSON	March 25
33. Joseph Bruce JONES	March 28, 29, 30 and 31
34. Jarnail SAHOTA	March 31 and April 7 and 8
35. Peter Alfred KITTO	April 8 and 11
36. Thomas KASSAIN	April 11 and 12
37. Roger Douglas THIESSEN	April 12, 13 and 14
38. Roger FREEMAN	April 15
39. Steven Lee MARSHALL	April 15 and 18
40. James Orrin REILLY	April 19 and 20
41. Rene Aristide Joseph GOBILLOT	April 20, 21, 22 and 25
42. Adrian LANGENBACH	April 27 and 28
43. Ronald Shaun ISAKSSON	April 28 and May 5
44. Robert John MANDLEY	April 28 and 29
45. James Raymond BAINAS	April 29
46. Vincent Edward FENTON	May 5 and 10
47. John Geoffrey HILTON	May 9
48. Dieter CLAASSEN	May 9
49. Brian Stanley McGINN	May 10
50. David Frederick DANIELS	May 16 and 17
51. Dr. Gordon Omar MATHESON	May 18

52. Joseph Robert CONNORS	May 24
53. Leslie Wayne BUSS	May 24, 25 and 26
54. Donald William BAIRD	May 26
55. Frank Edward WHITTLE	May 27
56. Leslie Nicholas BOON	May 30

APPENDIX E

EXHIBIT LIST

No.	Description	Filed By	Date
1.	Certified copy of Order in Counsel	Mr. Doust	29.01.88
2.	B.C. Gazette, January 16, 1988	Mr. Doust	29.01.88
3.	Oath of the Honourable Judge Drost as Commissioner	Mr. Doust	29.01.88
4.	Notice of Public Hearing (as published in various newspapers)	Mr. Doust	29.01.88
5.	Booklet of LMRCC Statistical Date	Mr. Hall	02.02.88
6.	Coloured photo, Main Building LMRCC (Oakalla)	Mr. Hall	04.02.88
7.	Coloured photo, Entire complex (Oakalla)	Mr. Hall	04.02.88
8.	Transparency, Floor Plan, Main Building	Mr. Hall	04.02.88
9.	Transparency, West Wing Detail	Mr. Hall	04.02.88
10.	Transparency, East Wing Detail	Mr. Hall	04.02.88
11.	Transparency, South Wing Detail	Mr. Hall	04.02.88
12.	Transparency, Old Segregation Unit	Mr. Hall	04.02.88
13.	Fuji Video Cassette Tape 'Oakalla 1977'	Mr. Hall	04.02.88
14.	Oakalla District Policy & Procedures (Black Book, Tabs 1 -20)	Mr. Doust	09.02.88
15.	Copy, front page of The B.C. Gazette, January 28, 1988	Mr. Doust	10.02.88
16.	Booklet, 16 coloured photos (9 of cells, 7 of male persons)	Mr. Williams	25.02.88
17.	Copy, signed statement of Terry Hall dated 87 Dec 29 @ 12.41	Ms. Jackson	23.02.88
18.	Copy, diagram 'Old Segregation Unit' with location of the 15 prisoners prior to the escape December 31, 1987 - January 1, 1988	Mr. Hall	10.02.88
19.	Booklet, 16 coloured photos taken in Old Segregation Unit	Mr. Williams	25.02.88

No.	Description	Filed By	Date
20.	Copy, transcript of taped telephone call, RCMP to LMRCC	Mr. Williams	25.02.88
21.	Copy, Training Syllabus (3 pages)	Ms. Jackson	26.02.88
22.	Criminal Record of George Gravelle	Mr. Doust	01.03.88
23.	Graph, Numbers of Persons - Hired vs. Trained vs. Training Relief Funding	Mr. Hall	04.03.88
24.	Blocks II and IV Security Officer Training (6 pages)	Mr. Doust	04.03.88
25.	List of Inmates Cell Placement December 28 & 29, 1987	Ms. Jackson	04.03.88
26.	Handwritten list of damage	Ms. Jackson	08.03.88
27.	Copy, Inmate Offence Report re Larry Sidon (2 pages	Ms. Jackson	08.03.88
28.	2 pieces brass rod. One measuring approximately 20 cm (sharpened at one end) and the other measuring approximately 11 cm with thread at one end.	Ms. Jackson	08.03.88
29.	Copy, Inmate Offence Report re R.G. Dzvonik (2 pages)	Ms. Jackson	08.03.88
30.	Copy, Use of Force Policy, June 2, 1986 (11 pages)	Ms. Jackson	08.03.88
31.	Coloured photo, approximately 5"x3" showing wire mesh, blistering and peeling paint on ceiling	Ms. Jackson	08.03.88
32.	Copy, handwritten report of Mr. Craig dated 28.12.87 re events of December 27 (3 pages)	Mr. Doust	09.03.88
33.	Copy, handwritten report of Mr. Craig to Mr. Gobillot dated December 29/87 re South and East Wing Riot (6 pages)	Mr. Doust	09.03.88
34.(a)	Handwritten report of Events 27 through 28 December 87 on yellow lined paper (13 pages)	Mr. Doust	09.03.88
34.(b)	Typed version of exhibit 34(a), Copy (6 pages)	Mr. Doust	09.03.88
35.	Pages 16 and 17 from Province newspaper, March 6, 1988	Mr. Conroy	10.03.88

No.	Description	Filed By	Date
36.	Handwritten letter, January 6/88, Larry Sidon to Mr. Hofseth (1 page)	Mr. Conroy	09.03.88
37.	Photo 3-1/2"x5" showing cell #7	Mr. Doust	30.03.88
38.	Criminal record of Lee Mason	Mr. Conroy	30.03.88
39.	Typed version of note received by Mr. Simpson	Ms. Jackson	31.03.88
40.	Memo Handwritten list of damaged cells	Ms. Jackson	31.03.88
41.	Copy, Handwritten notes of Mr. Kitto December 27, 1987, 9:00 a.m.	Mr. Conroy	11.04.88
42.	Copy, Inmates Offence Report, Parts I, II and III, re: Inmate Sidon 3/4/87 and copy of letter Sidon to Mr. Hofseth April 5/87	Mr. Hall	15.04.88
43.	Seventh Master and Component Agreement between Government of B.C. and B.C.G.E.U.	Mr. Williams	28.04.88
44.	Copy of Old Segregation Cells Log December 29, 1987 (7 pages)	Mr. Williams	28.04.88
45.	Copy, letter dated April 6, 1987 Personnel Officer LMRCC (2 pages)	Mr. Harrison	28.04.88
46.	Copy, Memorandum to Mr. Krahnbel from Isaksson	Ms. Jackson	05.05.88
47.	One sheet of white lined paper with handwriting of Isaksson on it	Mr. Hall	05.05.88
48.	11 coloured photos in 2 plastic covers of Exhibits 28 and 49 and plumbing pipes	Mr. Williams	09.05.88
49.	Brass rod, approximately 30 cm long, with chrome plated button and spring at one end	Mr. Williams	09.05.88
50.	Report of Mr. Hilton (1 page)	Mr. Williams	09.05.88
51.	Coloured photo, the 'Tac. Team'	Mr. Williams	17.05.88
52.	Copy, medical report re Bruce Jones	Mr. Williams	18.05.88
53.	Copy, medical report re James Montroy	Mr. Williams	18.05.88
54	Copy, medical report re Paul Loveridge	Mr. Williams	18.05.88

No.	Description	Filed By	Date
55.	Copy, medical report re Richard Wilson	Mr. Williams	18.05.88
54A	Copy, VGH medical record re Paul Loveridge	Mr. Conroy	18.05.88
55A	Copy, VGH medical record re Richard Wilson	Mr. Conroy	18.05.88
56.	Coloured photo, Mr. Buss and a prisoner	Mr. Conroy	16.05.88
57.	Small piece of paper with names of prisoners and cell nos. written on it	Ms. Jackson	26.05.88
58.	Copy, statement of Baird to J.V. Cain and S.H. Page, January 22, 1988	Ms. Jackson	26.05.88
59.	Copy, Investigation Report to S.H. Page, February 16, 1988	Mr. Hall	27.05.88
60.	Copy, pages 58 - 63 of the Cain Report	Mr. Hall	27.05.88
61.	Letter dated February 1, 1988 from Ms. Claire Culhane	Mr. Williams	30.05.88
62.	Table of Escape Incidents from LMRCC	Mr. Hall	30.05.88
63.	Sony Video Cassette Tape - Dining room riot at Kent	Mr. Hall	30.05.88
64.	Page from Section B1 (page 46) Policies and Procedures Manual	Mr. Hall	30.05.88
65.	Letter from Patrick J. Murray	Mr. Williams	30.05.88
66.	Letter from the John Howard Society of British Columbia	Mr. Williams	30.05.88
67.	Book of photographs from the RCMP	Mr. Williams	30.05.88
68.	Policy - Westgate "B", Coverage on Tiers (2 pages)	Mr. Hall	28.06.88
69.	Letter from Ms. M. Jackson dated June 15, 1988 re Rights of an Employee to Refuse to Work	Mr. Williams	28.06.88
70.	Letter from J. Hall, Esq., Q.C. dated June 17, 1988 re Material on Shift Overlap Policy	Mr. Williams	28.06.88

APPENDIX F

DAYS OF SITTINGS

DAY	DATE	DAY	DATE
01	January 29, 1988	25	March 8, 1988
02	February 1, 1988	26	March 9, 1988
03	February 2, 1988	27	March 10, 1988
04	February 3, 1988	28	March 11, 1988
05	February 4, 1988	29	March 14, 1988
06	February 5, 1988	30	March 18, 1988
07	February 8, 1988	31	March 21, 1988
08	February 9, 1988	32	March 22, 1988
09	February 10, 1988	33	March 23, 1988
10	February 11, 1988	34	March 24, 1988
11	February 12, 1988	35	March 25, 1988
12	February 15, 1988	36	March 28, 1988
13	February 16, 1988	37	March 29, 1988
14	February 19, 1988	38	March 30, 1988
15	February 22, 1988	39	March 31, 1988
16	February 23, 1988	40	April 7, 1988
17	February 24, 1988	41	April 8, 1988
18	February 25, 1988	42	April 11, 1988
19	February 26, 1988	43	April 12, 1988
20	February 29, 1988	44	April 13, 1988
21	March 1, 1988	45	April 14, 1988
22	March 3, 1988	46	April 15, 1988
23	March 4, 1988	47	April 18, 1988
24	March 7, 1988	48	April 19, 1988

DAY	DATE
49	April 20, 1988
50	April 21, 1988
51	April 22, 1988
52	April 25, 1988
53	April 27, 1988
54	April 28, 1988
55	April 29, 1988
56	May 5, 1988
57	May 9, 1988
58	May 10, 1988
59	May 16, 1988
60	May 17, 1988
61	May 18, 1988
62	May 24, 1988
63	May 25, 1988
64	May 26, 1988
65	May 27, 1988
66	May 30, 1988
67	June 28, 1988

APPENDIX G

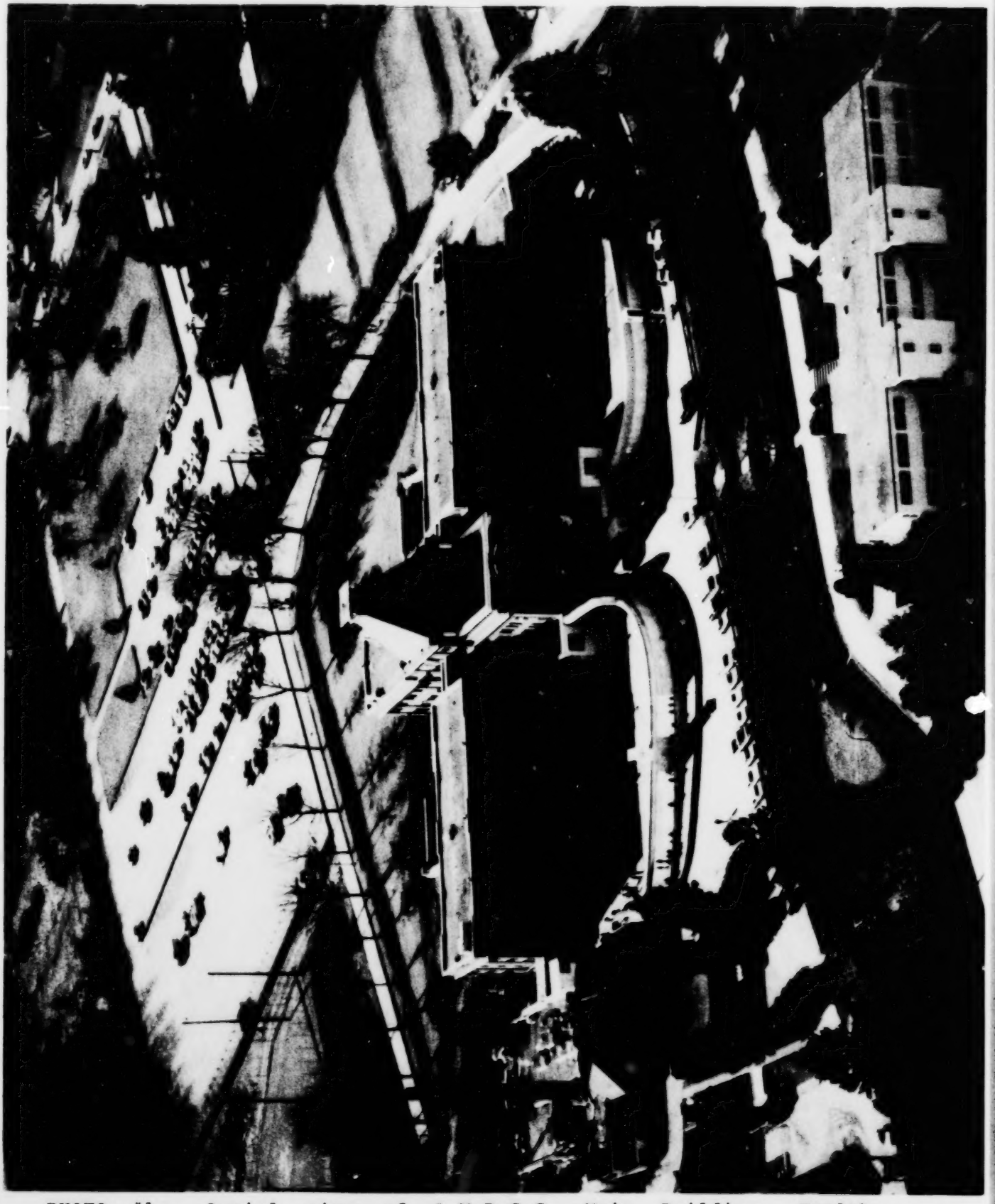
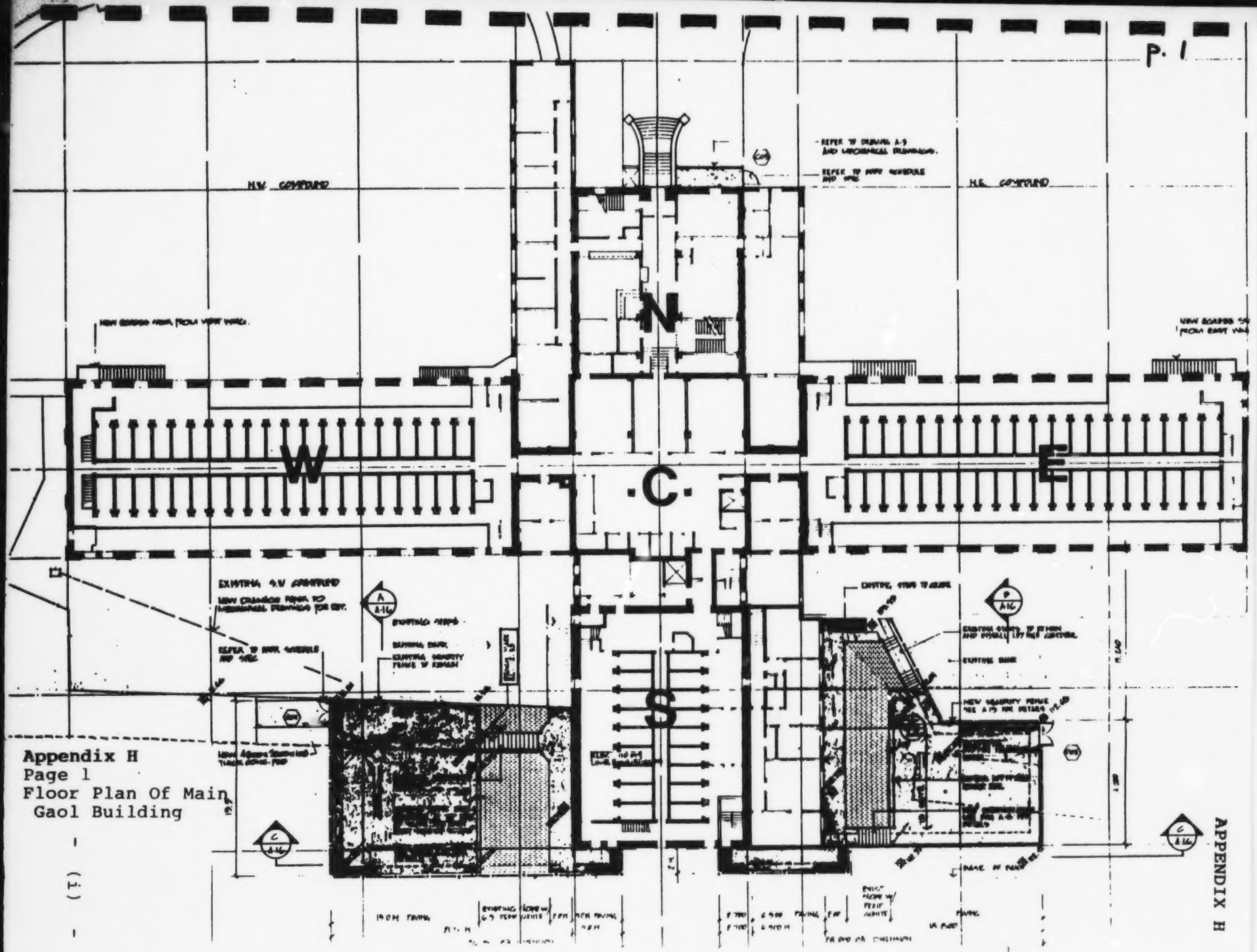


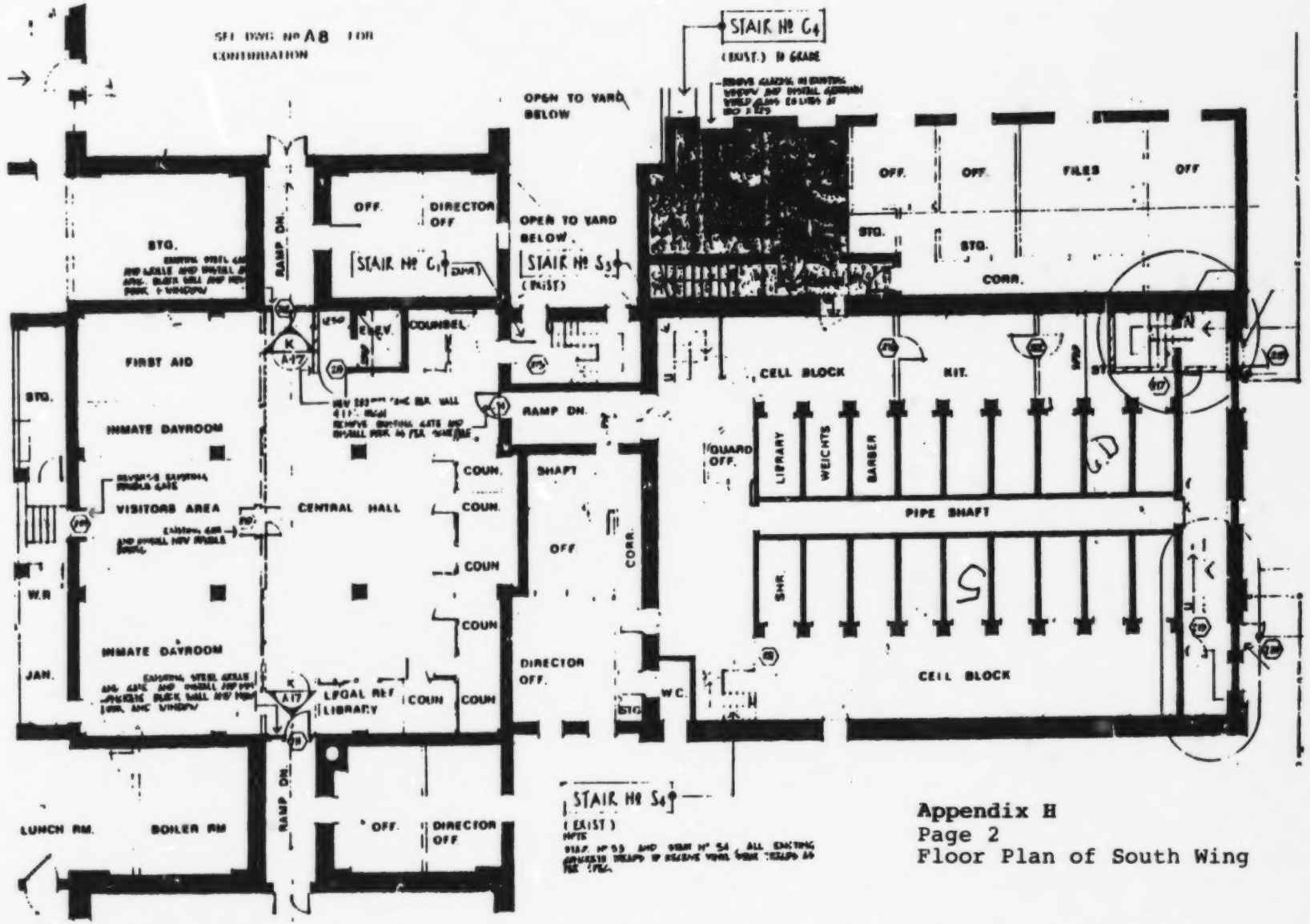
PHOTO #1: Aerial view of L.M.R.C.C. Main Building, Health Care Centre shown in foreground.

PHOTO #2: Aerial view of L.M.R.C.C. from west, showing all buildings on site.

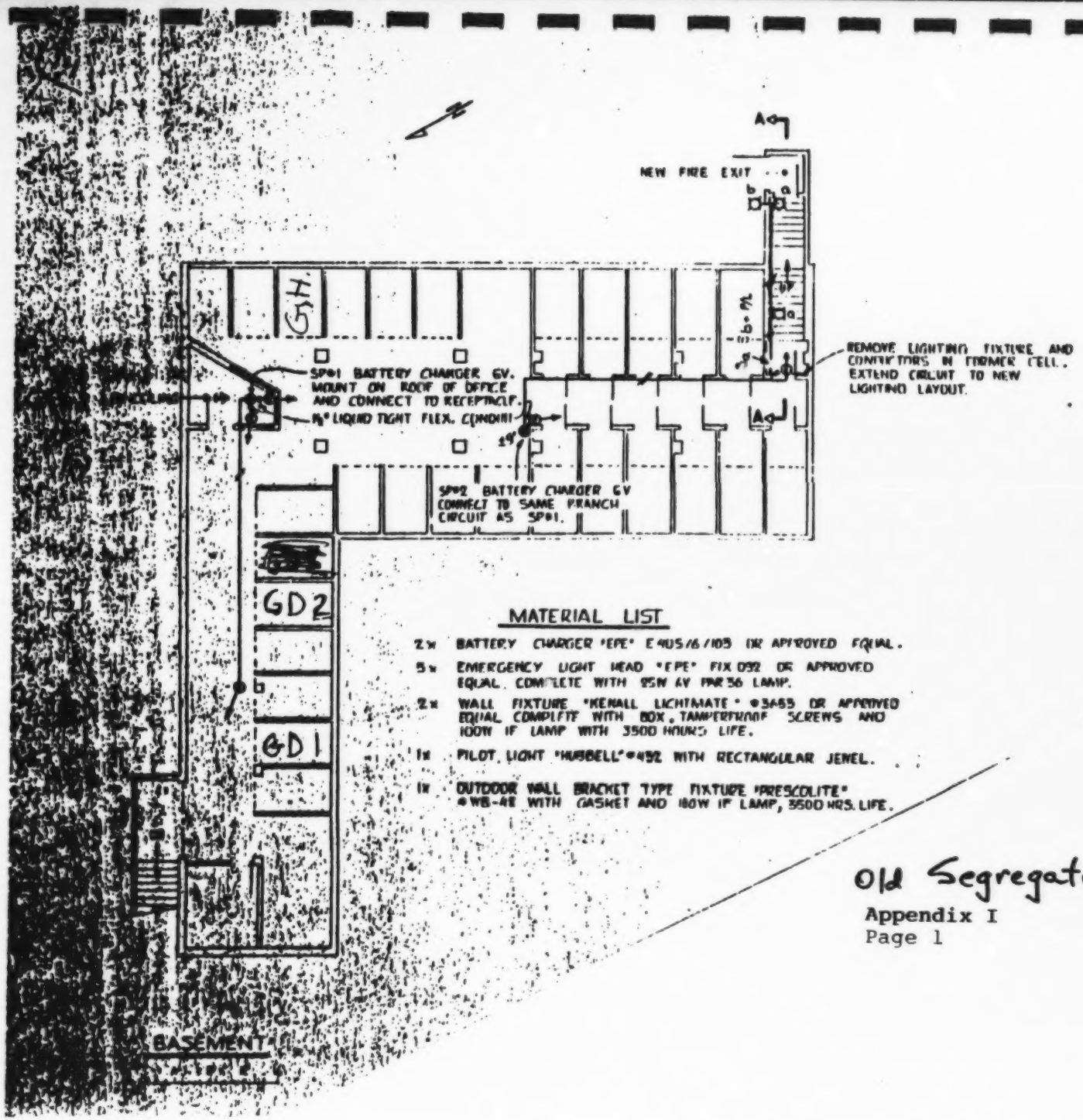


Appendix H
Page 1
Floor Plan Of Main
Gaol Building

APPENDIX H



Appendix H
Page 2
Floor Plan of South Wing


NEW FIRE EXIT
REMOVE LIGHTING FIXTURE AND CONNECTORS IN FORMER CELL. EXTEND CIRCUIT TO NEW LIGHTING LAYOUT.
SP01 BATTERY CHARGER 6V. MOUNT ON ROOF OF OFFICE AND CONNECT TO RECEPTACLE.
½" LIQUID TIGHT FLEX. CONDUIT
SP02 BATTERY CHARGER 6V CONNECT TO SAME BRANCH CIRCUIT AS SP01.
GD2
GD1
BASEMENT

MATERIAL LIST

2x BATTERY CHARGER "EPE" E405/6/105 OR APPROVED EQUAL.

5x EMERGENCY LIGHT HEAD "EPE" FIX 092 OR APPROVED EQUAL. COMPLETE WITH 25W 6V PAR 36 LAMP.

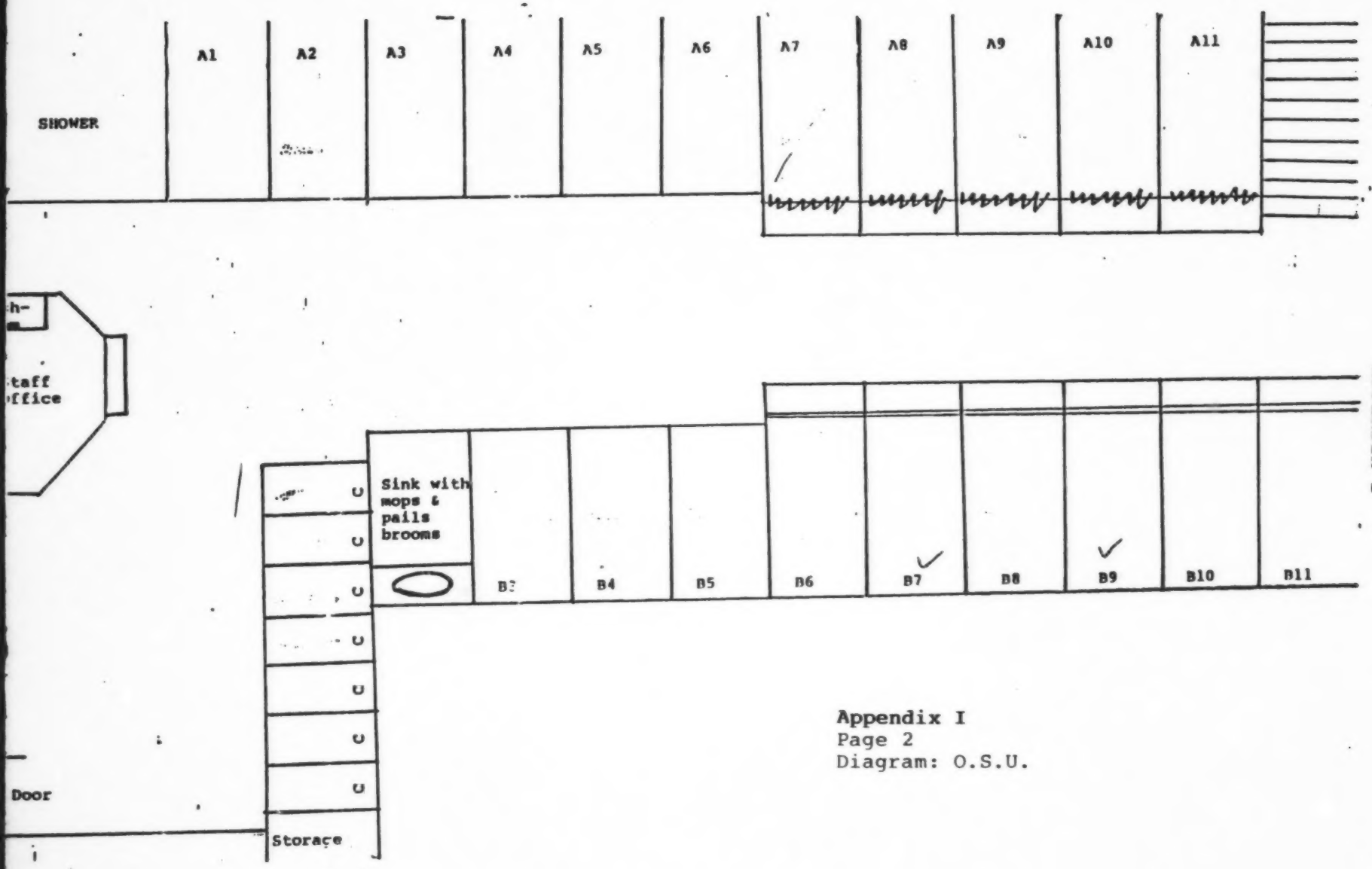
2x WALL FIXTURE "KENALL LIGHTMATE" #3685 OR APPROVED EQUAL COMPLETE WITH BOX, TAMPERPROOF SCREWS AND 100W IF LAMP WITH 3500 HOURS LIFE.

1x PILOT LIGHT "HUBBELL" #492 WITH RECTANGULAR JEWEL.

1x OUTDOOR WALL BRACKET TYPE FIXTURE "PRESCOLITE" #WB-4E WITH GASKET AND 100W IF LAMP, 3500 HRS. LIFE.

Old Segregation Unit

Appendix I
Page 1



APPENDIX I

Appendix I
Page 2
Diagram: O.S.U.

APPENDIX J

ESCAPES FROM L.M.R.C.C., 1976 TO 1987/88

	Escapes from Buildings, Grounds or Escorts	Rate/100 Count
1976	35	5.6
1977	34	5.9
1978	28	5.0
1979	16	3.3
1980/81	30	6.0
1981/82	27	4.6
1982/83	19	2.9
1983/84	32	6.5
1984/85	23	5.4
1985/86	20	4.5
1986/87	23	5.4
1987/88 (to Dec.)	15	--

ESCAPES FROM L.M.R.C.C.
1979/80 TO 1987/88

	Total Incidents	Single Person Incidents	Multiple Person Incidents
1979/80	9	5	14
1980/81	16	6	22
1981/82	14	7	21
1982/83	10	6	16
1983/84	17	9	26
1984/85	13	5	18
1985/86	8	6	14
1986/87	16	3	19
1987/88 (to March 25, 1988)	9	5	14

APPENDIX K

PHOTO #1: Exterior view of quiet cell B8, O.S.U., door open.

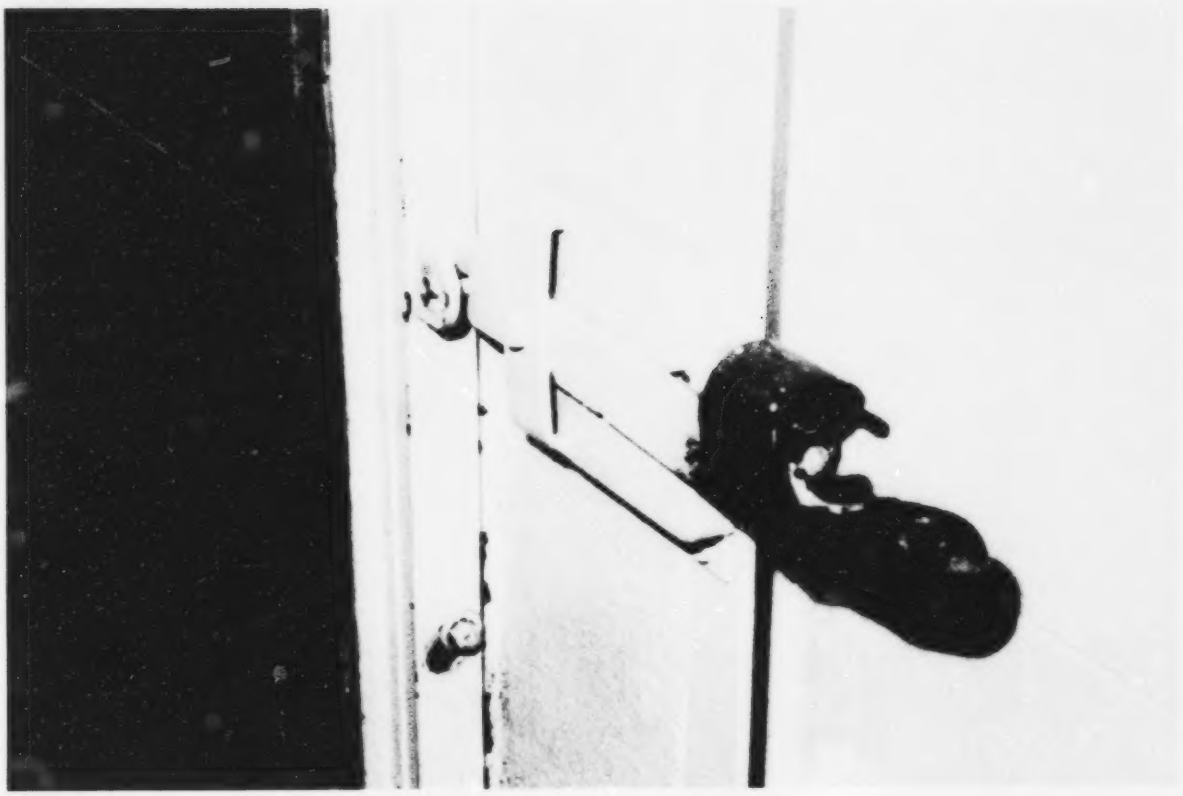


PHOTO #2: Locking device, quiet cell B8, O.S.U.

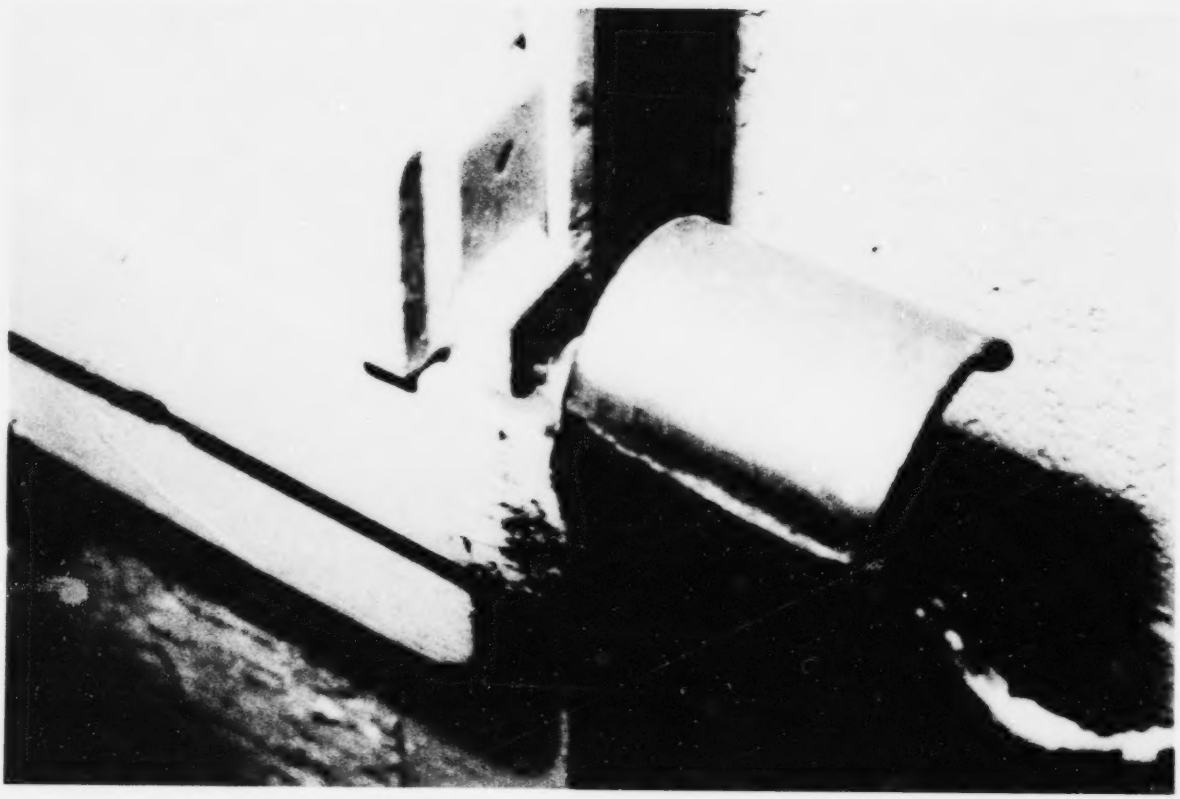


PHOTO #3: Close-up view, locking device, quiet cell B8, O.S.U. (Sliding pin in locked or secured position).

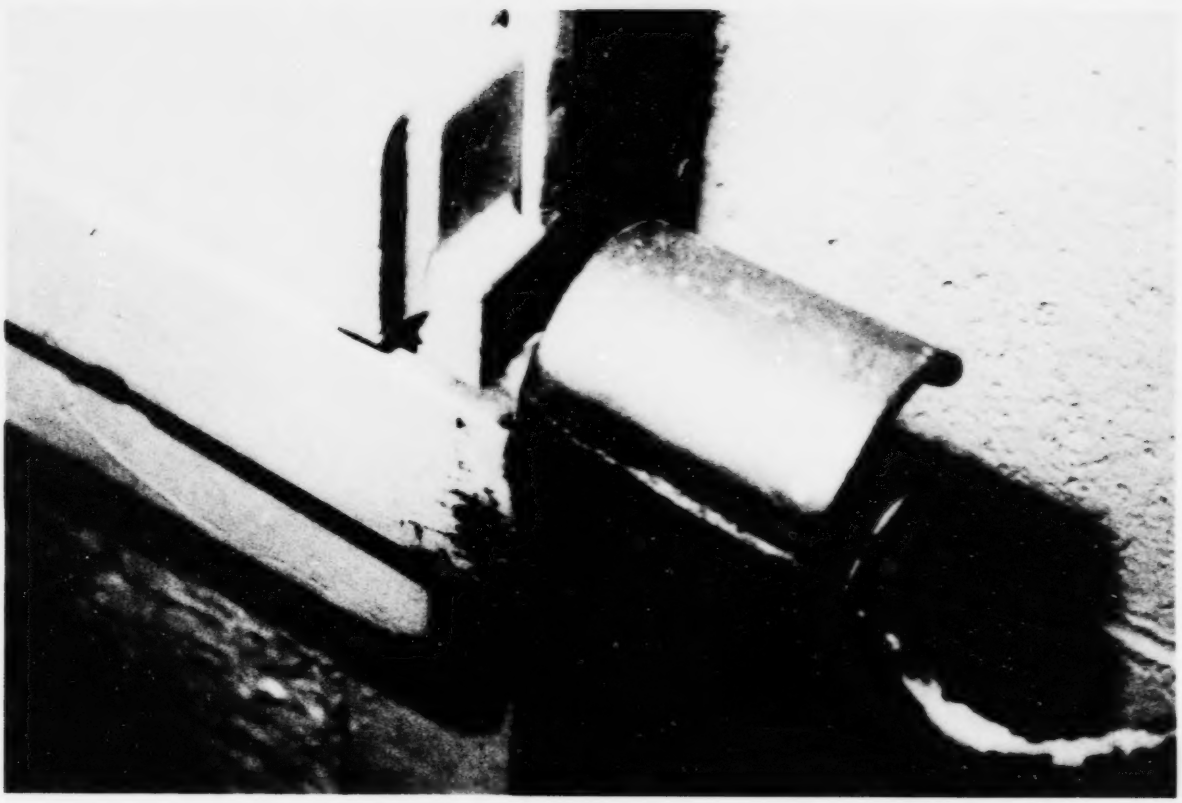


PHOTO #4: Close-up view, locking device, quiet cell B8, O.S.U. (Sliding pin in open or unsecured position).

APPENDIX L

GLOSSARY

Units

Lower Mainland Regional Correctional Centre (also known as Oakalla Prison)	A correctional centre within the Municipality of Burnaby, operated by the Province of British Columbia. The Centre accommodates: 1) Persons awaiting trial 2) Inmates serving sentence of less than 2 years, and 3) Under an agreement of exchange with the Federal Government, inmates serving sentences in excess of two years.
Central Control (C.C.)	A unit which monitors and provides direction to the entire LMRCC facility.
West Wing (W.W.)	An inmate living unit consisting of 10 tiers normally reserved for intermittently sentenced inmates (weekenders). In emergency situations, it can be used for inmate population overflow reasons.
South Wing (S.W.)	An inmate living unit consisting of 9 tiers that accommodates inmates awaiting trial - S.W. also has a separate unit for inmates requiring extraordinary supervision. This latter unit is coloquially known as the "Obs"(ervation) unit.
East Wing (E.W.)	An inmate living unit consisting of 9 tiers for inmates serving sentences of 2 years less one day. For the most part, these are "maximum" security risk inmates. Armed escort is provided when these inmates are not confined within the unit.
Westgate "A" (W.G.A.)	An inmate living unit that separately accommodates: 1) Persons awaiting trial and requiring "protective custody";

	2) Inmates, segregated from their normal living units for a fixed term - usually less than 15 days - for disciplinary reasons.
Westgate "B" (WGB)	An inmate living unit that houses inmates serving sentences of less than two years. For the most part, these inmates require medium risk (unarmed) supervision. A smaller group require minimum supervision and move about fairly freely at their work placements.
Health Care Centre (HCC)	An inmate living unit that provides medical services to inmates on a 24-hour basis. (Because of the mixture of inmates at H.C.C., the facility is considered a maximum security unit.)
The "Old Segregation Unit", also known as the "Cowbarn"	A living unit for inmates requiring segregation from the main population. This unit was closed when replaced by the Westgate "A" unit. It can be reopened for use only on the authority of the Regional Director, in emergency situations.

<u>Staffing</u>

District Director (D.D.)	The officer responsible for the total operation of LMRCC.
Deputy District Director (D.D.D.)	The officer partially responsible for the operations of a correctional centre.
Deputy Director	The officer responsible for operation of L.M.R.C.C. after business hours, week days and holidays.
Local Director (L.D.)	The officer responsible for the total management of an inmate living unit.

Senior Correctional Officer (S.C.O.)	The officer partially responsible for the management of an inmate living unit.
Principal Officer (P.O.)	The officer in charge of a "shift" of S.O.'s and C.O.'s.
Correctional Officer (C.O.)	An officer with more than 3654 hours of satisfactory employment.
Security Officer (S.O.)	An officer with less than 3654 hours of satisfactory employment.
Auxiliary Officer	An experienced officer "called in" to substitute for an absent security/ correctional officer.